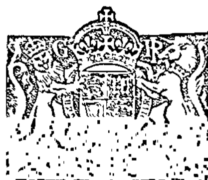
LEGISLATIVE ASSEMBLY

ELECTORAL RULES AND REGULATIONS

(Revised up to the 25th August, 1934.)



PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI
1934

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LEGISLATIVE ASSEMBLY ELECTORAL RULES AND REGULATIONS.

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PART I—Legislative Assembly Electoral Rules.

PRELIMINARY.

PRELIMINARY.

1 (1) These rules may be called the Legislative Assembly Electoral Rules.

Short title and commencement.

(2) They shall come into force at once.

2 In these rules, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "the Act" means the Government of India Act;

(b) "Commissioners" means Commissioners appointed for the purpose of holding an election inquiry under these rules;

(c) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule V;

(d) "election agent" means the person appointed under these rules by a candidate as his agent for an election;

(e) "Gazette" means the Gazette of India; and

(f) "Schedule" means a Schedule to these rules.

PART I

COMPOSITION OF LEGISLATIVE ASSEMBLY AND CONSTITUENCIES.

3 The Legislative Assembly shall consist of—

Composition of Legislative Assembly.

(1) one hundred and five elected members, and

(2) forty members nominated by the Governor General, of whom twenty-six shall be officials and one shall be a person nominated as the result of an election held in Berar.

Elected Members.

4. The elected members shall be elected by the constituencies specified in Schedule I, subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency:

Constituencies.

Provided that the Governor General in Council may by regulation divide into two or more constituencies any of the plural-member constituencies and may distribute among the new constituencies so created the seats entered in Schedule I against the constituency which has been so divided.

PART II.

QUALIFICATIONS OF ELECTED MEMBERS.

General disqualifications for being elected.

5. (1) A person shall not be eligible for election as a member of the Legislative Assembly if such person—

(a) is not a British subject; or

(b) is a female; or

(c) is a member of the Legislative Assembly and has made the oath or affirmation as such member; or

(d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(e) has been adjudged by a competent court to be of unsound mind; or

(f) is under 25 years of age; or

(g) is an undischarged insolvent; or

(h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part;

Provided that if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not, by reason of not being a British subject, be ineligible for election to the Legislative Assembly by any constituency in that province; and no subject of such a State shall for that reason be ineligible for election by the Delhi constituency and no subject of a State in Rajputana shall, for that reason, be ineligible for election by the Ajmer-Merwara constituency:

Provided, further, that if a resolution is passed by the Legislative Assembly after not less than one month's notice has been given of an intention to move such a resolution, recommending that the sex disqualification for election to the Legislative Assembly should be removed, either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women, or a class of women, as the case may be, shall not be disqualified by reason only of their sex for election to the Legislative Assembly by the Delhi constituency or the Ajmer-Merwara constituency, and shall not be so disqualified for election by any other constituency if they are not so disqualified for election by a constituency of the Legislative Council of their province:

Provided further that when a notification under sub-rule (2) of rule 27 has, under the power conferred by the proviso to the said sub-rule, been issued prior to the date of the expiration of the Legislative Assembly, a member of the Legislative Assembly which is

about to expire who has made the oath or affirmation as such member shall not by reason only of being such member be ineligible for election to the new Legislative Assembly

Provided, further, that the disqualification mentioned in clause (d) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence

Provided that, on application made by a person disqualified under this sub-rule, and with the previous approval of the Governor General in Council, the local Government of a Province may by order in this behalf remove the disqualification in respect of eligibility of such person for election as a member of the Legislative Assembly to represent any constituency within that province.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule V, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be, and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If in respect of an election to any legislative body constituted under the Act a return of the election expenses of any person who has been nominated as a candidate at that election is not lodged within the time and in the manner prescribed by or under the rules made in that behalf, or if any such return is lodged which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, neither the candidate nor his election agent shall be eligible for election for five years from the date of such election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Special qualifications for election in case of certain constituencies

6. (1) No person shall be eligible for election as a member of the Legislative Assembly to represent a general constituency other than a European constituency or a constituency in the province of Burma or the Delhi or the Ajmer-Merwara constituency unless—

(a) his name is entered on the electoral roll of the constituency or of a constituency situate in the same province and prescribed for elections to the provincial Council by rules under section 72-A of the Act; and

(b) in the case of a non-Muhammadan, Muhammadan or Sikh constituency in the province of Madras, Bombay, Bengal, the Punjab or Bihar and Orissa or in the Central Provinces, he is himself a non-Muhammadan, Muhammadan or Sikh as the case may be.

(2) No person shall be eligible for election as a member of the Legislative Assembly to represent a special constituency or a constituency in the province of Burma or Delhi or Ajmer-Merwara unless his name is entered on the electoral roll of the constituency.

(2-A) No person shall be eligible for election as a member of the Legislative Assembly to represent a European constituency, unless he is himself a European and his name is entered on the electoral roll of the constituency or of any other European constituency specified in Schedule I.

(3) For the purposes of these rules—

(a) "general constituency" means a non-Muhammadan, Muhammadan, European, non-European or Sikh constituency or the Delhi or the Ajmer-Merwara or the North-West Frontier Province constituency, and

(b) "special constituency" means a Landholders' or Indian Commerce constituency.

PART III

The Electoral Roll.

General conditions of registration and disqualifications.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

(a) is not a British subject; or

(b) is a female; or

(c) has been adjudged by a competent court to be of unsound mind; or

(d) is under 21 years of age:

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such

Ruler or subject shall not, by reason of not being a British subject, be disqualified for registration on the electoral roll of any constituency of the Legislative Assembly in that province; and no subject of such a State shall for that reason be disqualified for registration on the electoral roll of the Delhi constituency and no subject of a State in Rajputana shall, for that reason, be disqualified for registration on the electoral roll of the Ajmer-Merwara constituency

Provided, further, that, (a) if a resolution is passed by the Legislative Assembly after not less than one month's notice has been given of an intention to move such a Resolution, recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex, if they are not so disqualified for registration as electors for the Legislative Council of their province.

(b) If a resolution is passed by the Legislative Assembly after such notice as aforesaid, recommending that the sex disqualification for registration on the electoral roll of the Delhi constituency or the Ajmer-Merwara constituency should be removed either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women, or a class of women, as the case may be, shall not be disqualified for registration on such electoral roll by reason only of their sex :

Provided, further, that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule V, his name, if on the electoral roll shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period: and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report, or, if not on the electoral roll, shall not be so registered for a like period :

Provided that the Governor General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll

Special qualifications for election in case of certain constituencies.

6. (1) No person shall be eligible for election as a member of the Legislative Assembly to represent a general constituency other than a European constituency or a constituency in the province of Burma or the Delhi or the Ajmer-Merwara constituency unless—

(a) his name is entered on the electoral roll of the constituency or of a constituency situate in the same province and prescribed for elections to the provincial Council by rules under section 72-A of the Act; and

(b) in the case of a non-Muhammadan, Muhammadan or Sikh constituency in the province of Madras, Bombay, Bengal, the Punjab or Bihar and Orissa or in the Central Provinces, he is himself a non-Muhammadan, Muhammadan or Sikh as the case may be.

(2) No person shall be eligible for election as a member of the Legislative Assembly to represent a special constituency or a constituency in the province of Burma or Delhi or Ajmer-Merwara unless his name is entered on the electoral roll of the constituency.

(2-A) No person shall be eligible for election as a member of the Legislative Assembly to represent a European constituency, unless he is himself a European and his name is entered on the electoral roll of the constituency or of any other European constituency specified in Schedule I.

(3) For the purposes of these rules—

(a) "general constituency" means a non-Muhammadan, Muhammadan, European, non-European or Sikh constituency or the Delhi or the Ajmer-Merwara or the North-West Frontier Province constituency; and

(b) "special constituency" means a Landholders' or Indian Commerce constituency.

PART III

The Electoral Roll.

General conditions of registration and disqualifications.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

(a) is not a British subject; or

(b) is a female; or

(c) has been adjudged by a competent court to be of unsound mind; or

(d) is under 21 years of age:

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such

Ruler or subject shall not, by reason of not being a British subject, be disqualified for registration on the electoral roll of any constituency of the Legislative Assembly in that province; and no subject of such a State shall for that reason be disqualified for registration on the electoral roll of the Delhi constituency and no subject of a State in Rajputana shall, for that reason, be disqualified for registration on the electoral roll of the Ajmer-Merwara constituency:

Provided, further, that, (a) if a resolution is passed by the Legislative Assembly after not less than one month's notice has been given of an intention to move such a Resolution, recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex, if they are not so disqualified for registration as electors for the Legislative Council of their province.

(b) If a resolution is passed by the Legislative Assembly after such notice as aforesaid, recommending that the sex disqualification for registration on the electoral roll of the Delhi constituency or the Ajmer-Merwara constituency should be removed either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women, or a class of women, as the case may be, shall not be disqualified for registration on such electoral roll by reason only of their sex:

Provided, further, that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule V, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report, or, if not on the electoral roll, shall not be so registered for a like period:

Provided that the Governor General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll

Qualifications of electors.

8. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

(i) community,

(ii) residence, and

(iii) (a) ownership or occupation of a building, or

(b) assessment to or payment of municipal or cantonment rates or taxes or local cesses, or

(c) assessment to or payment of income-tax, or

(d) the holding of land, or

(e) membership of a local body,

as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

Electoral roll.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely :—

(1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,

(2) the time at which the roll shall be prepared,

(3) the publication of the roll in the constituency to which it relates,

(4) the mode in which and the time within which claims and objections may be preferred,

(5) the constitution and appointment of Revising Authorities to dispose of claims and objections,

(6) the manner in which notices of claims or objections shall be published,

(7) the place, date, and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly; and the regulations in regard to these matters for the time being in force in the Punjab

shall, as far as they are applicable, be the regulations in force in the province of Delhi and the regulations for the time being in force in the United Provinces shall, as far as they are applicable, be the regulations in force in the province of Ajmer-Merwara

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be re-published in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years after the expiration of which period a fresh roll shall be prepared in accordance with these rules:

Provided that the Governor General in Council may, by notification in the Gazette, direct the preparation in accordance with these rules of a fresh roll at any time before the expiration of the said period.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall, for the purposes of that election, continue to operate as the electoral roll for the constituency.

(6) Notwithstanding anything hereinbefore contained, any person may apply to such authority as may be appointed in this behalf by the Governor General in Council for the amendment of any electoral roll for the time being in force, and the Governor General in Council may, at any time after any such application has been made in respect of an electoral roll, by notification in the Gazette, direct the preparation of a list of amendments thereto, and all the provisions of this rule shall apply in the case of every such list in like manner as they apply in the case of electoral rolls:

Provided that, where any such application is made for the correction of an existing entry in the electoral roll and the said authority is satisfied after such inquiry as the Governor General in Council may by regulation prescribe that the entry relates to the applicant and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly.

(7) When any list of amendments has been re-published under sub-rule (6), the electoral roll to which it relates shall be deemed to have been amended accordingly.

any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the Government

(4) For the purpose of sub-rule (3), the number of votes polled shall be deemed to be the number of ballot papers, other than spoilt ballot papers, counted, and, where the election is held according to the system of proportional representation by means of the single transferable vote, the number of votes polled by a candidate shall be the number of votes polled by him as first preferences

(5) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is elected and thereafter his seat is declared vacant, under these rules owing to his failure to make the oath or affirmation hereinafter prescribed, the deposit shall be forfeited to the Government.

(6) The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (3), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, as soon as may be after the publication of the result of the election in the Gazette, and the deposit made in respect of a candidate who is elected shall, if it is not forfeited under sub-rule (5), be so returned as soon as may be after the candidate has made the oath or affirmation hereinafter prescribed, or in pursuance of a direction by the Governor General in Council for the return of the deposit despite the fact that the said oath or affirmation has not been made.

Provided that, if a candidate is duly nominated at a general election in more than one constituency, not more than one of the deposits made by him or on his behalf shall be returned, and the remainder shall be forfeited to the Government.

Death of candidate before poll.

13. If a candidate who has been duly nominated dies after the date appointed for the scrutiny of nominations and before the date appointed for the taking of a poll, the Returning Officer or other authorised person referred to in sub-rule (3) of rule 11 shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the local Government, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election :

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermanding of the poll.

14. (1) *If the number of candidates who are duly nominated* and who have not withdrawn their candidature in the manner and within the time specified in sub-rule (8) of rule 11 exceeds that of the vacancies, a poll shall be taken.

Procedure at election.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected

(3) *If the number of such candidates is less than the number* of vacancies, all such candidates, if any, shall be declared to be elected, and the Governor General shall, by a notification in the Gazette, call upon the constituency to elect a person or persons, as *the case may be, within such time as may be prescribed by the* notification:

Provided that where the constituency, having already been called upon under this sub-rule, has failed to elect a person or the requisite number of persons, as the case may be, to fill the vacancy or vacancies, the Governor General shall not be bound to call again upon the constituency to elect a person or persons until such time, if any, as he thinks fit.

(4) Votes shall be given by ballot, and in general constituencies in person

Provided that the Governor General in Council may—

(*a*) in the case of any specified general constituency or of any specified part of any general constituency, or

(*b*) in respect of any person attending at a polling-station in any constituency under the orders of, or under authority from, the Returning Officer of such constituency,

by regulation direct that votes may be given otherwise than in *person*

Provided, further, that no votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate except in the case of the plural-member constituencies in the presidency of Bombay, in which constituencies any elector may accumulate his votes upon one *candidate or distribute them amongst the* candidates as he pleases:

Provided that in the Bengal (European) constituency the election shall be made according to the principle of proportional representation by means of the *single transferable vote*, and votes shall be given in accordance with regulations made in that behalf by the Governor General in Council.

(6) Votes shall be counted by, or under the supervision of, *the Returning Officer* and each candidate, the election agent of each candidate, and one representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected

Provided that in the Bengal (European) constituency the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the Gazette.

Regulations regarding the conduct of elections

15. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely:—

(1) for the scrutiny of nominations and, in particular, for the manner in which such scrutiny shall be conducted and for the conditions and circumstances in which any person may be present or may enter objections thereat,

(2) for the appointment in each constituency of a Returning Officer and for his powers and duties, and for the performance by other persons of any power or duty of the Returning Officer,

(3) for the division of general and Landholders' constituencies into polling areas and for the appointment of polling stations for these areas,

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers,

(5) for the checking of voters by reference to the electoral roll,

(6) for the manner in which votes are to be given both generally and in the case of illiterate voters or voters under physical or other disability,

(7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,

(8) for the scrutiny of votes,

(9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers, and

(10) for the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly, and the regulations in regard to these matters for the time being in force in the Punjab shall, as far as they are applicable, be the regulations in force in the province of Delhi and the regulations for the time being in force in the United Provinces shall, as far as they are applicable, be the regulations in force in the province of Ajmer-Merwara:

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations, as he may specify, shall be made in the application of those regulations

In particular the Governor General in Council may, if a Resolution in favour of the introduction of proportional representation is passed by the Legislative Assembly after not less than one month's notice has been given of an intention to move such a Resolution, introduce for any plural-member constituencies the method of election by the single transferable vote, and may make [illegible] the purpose and may group together [illegible] so as to make new plural-member [illegible]

Multiple elections.

16. (1) If any person is elected by more than one constituency, he shall by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the Gazette, choose for which of these *constituencies he shall serve, and the choice shall be conclusive.*

(2) When any such choice has been made, the Governor General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void and the Governor General shall call upon the constituency or constituencies concerned to elect another person or persons.

Election Agents and Return of Expenses.

Disqualification for being an election agent.

17. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

Revocation of appointment of election agent.

18. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or after the election, then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

Return of election expenses.

19 (1) Within thirty-five days from the date of the publication of the result of an election under sub-rule (9) of rule 14, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return in such form as the Governor General in Council may by regulation prescribe of the election expenses of such person containing the particulars specified in Schedule IV and signed both by the candidate and by his election agent.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) Notwithstanding anything hereinbefore contained, where a candidate is owing to absence from India unable to sign the return of election expenses and to make the declaration within the period prescribed in this rule, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent under sub-rule (3), and within fourteen days after the return of the candidate to India he shall cause to be lodged with the Returning Officer a declaration made on oath or affirmation before a Magistrate in the special form for the purpose contained in the said Schedule.

(5) When any return and the declarations made in respect thereof have been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and to be published in the local official Gazette, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and, on payment of such fee as the local Government may prescribe, to obtain a copy or copies thereof or of any part thereof.

(6) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the name of the election agent of each

such candidate and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Power to fix maximum scales of expenditure and to regulate employment for pay.

20. (1) The Governor General in Council may, by notification in the Gazette,—

(a) fix maximum scales of election expenses, which shall be applicable to any election held after the first election under these rules; and

(b) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election held under these rules.

(2) Any notification issued under this rule may make different provisions for different constituencies.

Accounts of agents.

21. Every election agent shall, for each election for which he is appointed an election agent, keep separate and regular books of account in which the particulars of all expenditure of the nature referred to in rule 19 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

PART V.

NOMINATED MEMBERS.

General disqualifications for nomination.

22. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Legislative Assembly who—

(a) is not a British subject; or

(b) is a female; or

(c) is a Member of the Legislative Assembly; or

(d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(e) has been adjudged by a competent court to be of unsound mind; or

(f) is under 25 years of age; or

(g) is an undischarged insolvent; or

(h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject, be disqualified for nomination to the Legislative Assembly to represent that province, and no subject of such a State shall for that reason be disqualified for nomination to represent the province of Delhi and no subject

of a State in Rajputana shall for that reason be disqualified for nomination to represent the province of Ajmer-Merwara:

Provided, further, that if a resolution has been passed by the Legislative Assembly for the removal of the sex disqualification in the manner provided in sub-rule (1) of rule 5, the Governor General in Council shall make regulations providing that women, or a class of women, as the case may be, shall not be disqualified by reason only of their sex for nomination to the Legislative Assembly

Provided, further, that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence

Provided that, on application made by a person disqualified under this sub-rule, the disqualification may be removed by order in this behalf:

- (*a*) in respect of the eligibility of such person for nomination as the result of an election held in Berar, by the local Government of the Central Provinces with the previous approval of the Governor General in Council, and
- (*b*) in respect of the eligibility of such person for nomination otherwise than as the result of such election, by the Governor General in Council.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule V, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If in respect of an election to any legislative body constituted under this Act a return of the election expenses of any person who has been nominated as a candidate at the election is not lodged within the time and in the manner prescribed by or under the rules made in that behalf, or if any such return is lodged which is found either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be

false in any material particular, neither the candidate nor his election agent shall be eligible for nomination for five years from the date of the election.

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Term of office of nominated member.

23. (1) A nominated non-official member shall hold office for the duration of the Legislative Assembly to which he is nominated.

(2) Official members shall hold office for the duration of the Legislative Assembly to which they are nominated or for such shorter period as the Governor General may, at the time of nomination, determine.

PART VI.

GENERAL PROVISIONS.

Obligation to take Oath.

Taking of oath.

24. Every person who is elected or nominated to be a member of the Legislative Assembly shall, before taking his seat, make, at a meeting of the Legislative Assembly, an oath or affirmation of his allegiance to the Crown in the following form, namely,—

I, A B., having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Assembly do solemnly swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Vacation of Seat.

24-A. If any person, having been elected or nominated, is found to have been subject at the time of his election or nomination to any of the disabilities stated in rule 5 or in rule 22, as the case may be, the Governor General may, if the disqualification has not been removed under these rules by notification in the Gazette, declare his seat to be vacant.

Effect of subsequent disabilities or failure to take oath.

25. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*d*), (*e*), (*g*) and (*h*) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 22, as the case may be, or fails to make the oath or affirmation prescribed by rule 24 within such time as the Governor General considers reasonable, the Governor General shall, if the disqualification has not been removed under these rules by notification in the Gazette, declare his seat to be vacant.

Casual vacancies.

26. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under these rules.

General Elections.

Reconstitution of Legislative Assembly

27 (1) On the expiration of the duration of a Legislative Assembly or on its dissolution, a general election shall be held in order that a new Legislative Assembly may be constituted.

(2) On such expiration or dissolution, the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:

Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Legislative Assembly, the Governor General shall make such nominations as may be necessary to complete the Legislative Assembly.

Publication of result of general election.

28 As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette

Powers of Governor General in Council in case of difficulty.

29. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such roll or as to the holding of any election under these rules, the Governor General in Council may by order do anything not inconsistent with these rules which appears to him to be necessary for the proper preparation or publication of the roll or for the proper holding of the election.

PART VII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

Definitions.

30. In this Part and in Schedule V, unless there is anything repugnant in the subject or context,—

(a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate;

(*b*) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election,

(*c*) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election, and

(*d*) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

31 Save as provided in rule 21-A, no election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

The election petition.

32 (1) An election petition against any returned candidate may be presented to the Governor General—

Presentation of the petition.

(*a*) by any candidate or elector within fourteen days from the date on which the return of the election expenses of the returned candidate and the declarations referred to in rule 19 are received by the Returning Officer, or

(*b*) within thirty days from that date by an officer empowered by the Governor General in Council in this behalf on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed; or

(*c*) on the ground that the returned candidate or his election agent or any other person acting with the connivance of the candidate or of his election agent has been guilty of the offence of bribery, undue influence or personation as defined in Chapter IX-A of the Indian Penal Code in respect of the election, by any candidate, or elector within fourteen days from the date on which such returned candidate, election agent or other person is convicted of such offence.

(2) An election petition shall be deemed to have been presented to the Governor General when it is delivered to the Governor General or to any officer appointed by him in this behalf—

(*a*) by the person making the petition; or

(*b*) by a person authorised in writing in this behalf by the person making the petition; or

(*c*) by registered post.

(3) When the last day of the period for the presentation of an election petition under this rule is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1881, or has been notified by the local Government of the province in which the petition is presented as a day to be observed as a holiday in Government offices, the petition shall be considered as having been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

(4) For the purposes of clause (*a*) of sub-rule (1), the date on which the return of the election expenses and the declarations referred to in rule 19 are received by the Returning Officer shall, in the case of a candidate who has made such return and declaration in the manner provided in sub-rule (4) of that rule, be deemed to be the date on which the declaration of the candidate under that sub-rule is received

Contents of the petition.

33 (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice

(3) The Commissioners may, upon such terms as to costs and otherwise as they may direct, at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may, in their opinion, be necessary for the purpose of ensuring a fair and effectual trial of the petition.

Against whom it may be presented.

34. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of security.

35. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (*b*) of sub-rule (1) of rule 32, deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.

Dismissal for default.

36. (1) If the provisions of rule 32, rule 33 or rule 35 are not complied with, the Governor General shall dismiss the petition.

Appointment of Commissioners

(2) If the petition is not dismissed under sub-rule (1)—

(*a*) the Governor General shall appoint as Commissioners for the trial of the petition three persons who are or

have been, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(b) the President of the Commission shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond:

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (b) of sub-rule (1) of rule 32.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor General shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

(4) If the services of any Commissioner are not available for the purposes of the inquiry, or if, during the course of the inquiry, any Commissioner is unable to continue to attend the same, the Governor General shall appoint another Commissioner and the inquiry shall recommence before the Commission as so reconstituted:

Provided that the Commissioners may direct that any evidence already recorded may remain upon the record, in which case it shall not be necessary to re-examine those witnesses who have already been examined and discharged

(5) Nothing in this rule shall be deemed to prevent the appointment of the President of a Commission before the other Commissioners are appointed and if the President is so appointed, all references to the Commissioners in these rules shall, in respect of any matter which may be or is to be done before the commencement of the inquiry, be deemed to be references to the President.

Inquiry by Commissioners.

37 Subject to the provisions of these rules every election petition shall be inquired into by the Commissioners, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits:

Provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

(3) When the last day of the period for the presentation of an election petition under this rule is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1881, or has been notified by the local Government of the province in which the petition is presented as a day to be observed as a holiday in Government offices, the petition shall be considered as having been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

(4) For the purposes of clause (*a*) of sub-rule (1), the date on which the return of the election expenses and the declarations referred to in rule 19 are received by the Returning Officer shall, in the case of a candidate who has made such return and declaration in the manner provided in sub-rule (4) of that rule, be deemed to be the date on which the declaration of the candidate under that sub-rule is received.

Contents of the petition.

33. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.

(3) The Commissioners may, upon such terms as to costs and otherwise as they may direct, at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may, in their opinion, be necessary for the purpose of ensuring a fair and effectual trial of the petition.

Against whom it may be presented.

34. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of security.

35. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (*b*) of sub-rule (1) of rule 32, deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.

Dismissal for default.

36 (1) If the provisions of rule 32, rule 33 or rule 35 are not complied with, the Governor General shall dismiss the petition.

Appointment of Commissioners.

(2) If the petition is not dismissed under sub-rule (1)—

(*a*) the Governor General shall appoint as Commissioners for the trial of the petition three persons who are or

have been, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(b) the President of the Commission shall, as soon as may be cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond:

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (b) of sub-rule (1) of rule 32.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor General shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

(4) If the services of any Commissioner are not available for the purposes of the inquiry, or if, during the course of the inquiry, any Commissioner is unable to continue to attend the same, the Governor General shall appoint another Commissioner and the inquiry shall recommence before the Commission as so reconstituted

Provided that the Commissioners may direct that any evidence already recorded may remain upon the record, in which case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

(5) Nothing in this rule shall be deemed to prevent the appointment of the President of a Commission before the other Commissioners are appointed and if the President is so appointed, all references to the Commissioners in these rules shall, in respect of any matter which may be or is to be done before the commencement of the inquiry, be deemed to be references to the President.

Inquiry by Commissioners.

37 Subject to the provisions of these rules every election petition shall be inquired into by the Commissioners, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits:

Provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

Place of inquiry.

38. The inquiry shall be held at such place as the Governor General may appoint:

Provided that the Commissioners may, in their discretion, sit for any part of the inquiry at any other place in the province in which the constituency in question is situated, and may depute any one of their number to take evidence at any place in that province

Withdrawal of petition.

39 (1) An election petition may be withdrawn only by leave of the Commissioners or, if an application for withdrawal is made before any Commissioner has been appointed, of the Governor General

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Commissioners, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if, in the opinion of the Governor General or of the Commissioners, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed

(5) If the application is granted—

(a) the petitioner shall, where the application has been made to the Commissioners, be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioners may think fit;

(b) notice of the withdrawal shall be published in the Gazette by the Governor General or by the Commissioners, as the case may be; and

(c) any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 35 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of petitioner.

40. (1) An election petition shall abate only on the death of the sole petitioner or of the survivor of several petitioners:

Provided that, where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 32, the proceedings may be continued by any other officer empowered in this behalf by the Governor General in Council

(2) Notice of the abatement of an election petition shall be published in the Gazette by the Commissioners or, if the petition abates before any Commissioner has been appointed, by the Governor General.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 35 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of respondent

41. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Recrimination when seat claimed

42 (1) Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election:

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under clause (b) of sub-rule (2) of rule 36, given notice of his intention to the Commissioners and made the deposit and procured the execution of the bond referred to in rules 35 and 36, respectively

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 33 in the case of an election petition and shall be signed and verified in like manner.

Attendance of Law Officers.

43. When at an inquiry into an election petition the Commissioners so order, the Advocate General or some person acting under his instructions shall attend and take such part therein as they may direct.

Explanation.—The expression "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such other officer as the local Government may appoint in this behalf.

Grounds for declaring election void.

44. (1) Save as hereinafter provided in this rule, if, in the opinion of the Commissioners,—

(a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(b) any corrupt practice specified in Part I of Schedule V has been committed, or

(c) the result of the election has been materially affected by the improper acceptance or refusal of any nomination or by the improper reception or refusal of a vote or the reception of any vote which is void or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto, or

(d) the election has not been a free election by reason of the large number of cases in which undue influence or bribery, within the meaning either of Part I or of Part II of Schedule V has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule V, which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

(a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(b) such candidate and his election agent took all reasonable means for [illegible] of corrupt practices at [illegible]

(c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

Explanation.—For the purpose of this sub-rule "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Report of Commissioners and procedure thereon.

45. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate, or any other party to the petition who has, under the provisions of these rules, claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 44.

(2) The report shall further include a recommendation by the Commissioners as to the total amount of costs which are payable and the persons by and to whom such costs should be paid. Such recommendation may include a recommendation for the payment of costs to the Advocate General or a person acting under his instructions, attending in pursuance of an order made under rule 43.

(3) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor General who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor General shall be final

Form of report.

46. If either in their report or upon any other matter there is a difference of opinion among the Commissioners. the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Finding as to corrupt practices and persons guilty thereof.

47. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

(a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and

(b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules.

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

PART VIII.

Special Provision.

Interpretation in case of doubt.

48. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Governor General, and his decision shall be final.

SCHEDULE I.

(SEE RULE 4.)

I (1).—List of constituencies entitled to representation in every Legislative Assembly.

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members
Madras .	Madras City .	Non-Muhammadan Urban.	The City of Madras as defined in section 3 (9) of the Madras City Municipal Act, 1919, but including Fort St. George	1
Ditto .	Ganjam *cum* Vizagapatam.	Non Muhammadan Rural.	The Districts and Agencies of Ganjam and Vizagapatam.	1
Ditto .	East Godavari and West Godavari *cum* Kistna.	Ditto	The District and Agency of East Godavari and the Districts of West Godavari and Kistna	1
Ditto .	Guntur *cum* Nellore.	Ditto	The Districts of Guntur and Nellore	1
Ditto .	Madras ceded districts and Chittoor.	Ditto	The Districts of Anantapur, Bellary, Cuddapah, Kurnool and Chittoor.	1
Ditto .	Salem and Coimbatore *cum* North Arcot	Ditto	The Districts of Salem, Coimbatore and North Arcot.	1
Ditto .	South Arcot *cum* Chingleput.	Ditto	The Districts of South Arcot and Chingleput.	1
Ditto .	Tanjore *cum* Trichinopoly.	Ditto	The Districts of Tanjore and Trichinopoly.	1
Ditto .	Madura and Ramnad *cum* Tinnevelly.	Ditto	The Districts of Madura, Ramnad and Tinnevelly.	1
Ditto .	West Coast and Nilgiris (Non-Muhammadan).	Ditto	The Districts of the Nilgiris, Malabar, Anjengo and South Kanara.	1
Ditto .	North Madras (Muhammadan).	Muhammadan	The Districts and Agencies of Ganjam, Vizagapatam and East Godavari and the Districts of West Godavari, Kistna, Guntur, Nellore, Anantapur, Bellary, Cuddapah, Kurnool and Chittoor.	1

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Madras	South Madras (Muhammadan).	Muhammadan	The Districts of Chinglepat, Madras, North Arcot, Salem, Coimbatore, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly.	1
Ditto	West Coast and Nilgiris (Muhammadan)	Ditto	The Districts of the Nilgiris, Malabar, and South Kanara.	1
Ditto	Madras (European)	European	The Madras Presidency .	1
Ditto	Madras Landholders	Landholders	Ditto . .	1
Ditto	Madras Indian Commerce.	Indian Commerce	Ditto . .	1
Bombay	Bombay City (Non-Muhammadan).	Non-Muhammadan Urban.	The City of Bombay . .	2
Ditto	Sind (Non-Muhammadan)	Non-Muhammadan Rural	The Province of Sind . .	1
Ditto	Bombay Northern Division (Non-Muhammadan)	Ditto .	The Northern Division and the Bombay Suburban District.	1
Ditto .	Bombay Central Division (Non-Muhammadan).	Ditto	The Central Division excluding the Bombay Suburban District.	2
Ditto	Bombay Southern Division (Non-Muhammadan).	Ditto .	The Southern Division . .	1
Ditto	Bombay City (Muhammadan).	Muhammadan Urban.	The City of Bombay	1
Ditto	Sind (Muhammadan)	Muhammadan Rural.	The Province of Sind . .	1*
Ditto	Bombay (European)	European .	The Bombay Presidency .	2

*Note.—The Sind (Muhammadan) constituency is entitled to elect a second member for the first third and succeeding alternate Assemblies under part II of this Schedule

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bombay .	The Indian Merchants' Chamber and Bureau.	Indian Commerce.	(Non-territoriel) . . .	1
Bengal .	Calcutta (Non-Muhammadan).	Non-Muhammadan Urban.	Calcutta as defined in section 3(11) of the Calcutta Municipal Act, 1923.	1
Ditto .	Calcutta Suburbs (Non Muhammadan).	Ditto .	The municipalities and cantonments of the Districts of the 24-Parganas, Hooghly and Howrah.	1
Ditto	Burdwan Division (Non-Muhammadan).	Non-Muhammadan Rural.	The Burdwan Division excluding the municipalities of the Hooghly and Howrah Districts.	1
Ditto .	Presidency Division (Non-Muhammadan).	Ditto .	The Presidency Division excluding the municipalities and cantonments of the 24-Parganas District.	1
Ditto .	Dacca Division (Non-Muhammadan).	Ditto .	The Dacca Division . .	1
Ditto .	Chittagong and Rajshahi Divisions (Non-Muhammadan).	Ditto .	The Chittagong Division excluding the Chittagong Hill Tracts and the Rajshahi Division excluding the District of Darjeeling.	1
Ditto .	Calcutta and S[illegible] urbs (Mu[illegible] madan).	[illegible]	[illegible]	[illegible]
Ditto .	Burdwan and Presidency Divisions (Muhammadan).	Muhammadan Rural.	The Burdwan and Presidency Divisions excluding the municipalities and cantonments of the Districts of the 24- Parganas, Hooghly and Howrah.	1
Ditto .	Dacca *cum* Mymensingh (Muhammadan)	Ditto .	The Districts of Dacca and Mymensingh.	1
Ditto .	Bakarganj *cum* Faridpur (Muhammadan).	Ditto .	The Districts of Bakarganj and Faridpur.	1
Ditto .	Chittagong Division (Muhammadan).	Ditto .	The Chittagong Division excluding the Chittagong Hill Tracts.	1

Province	Name of Constituency	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal	Rajshahi Division (Muhammadan).	Muhammadan Rural	The Rajshahi Division excluding the District of Darjeeling.	1
Ditto	Bengal (European)	European	The Bengal Presidency excluding the Chittagong Hill Tracts and the District of Darjeeling.	3
Ditto	Bengal Landholders	Landholders	The Bengal Presidency excluding the Chittagong Hill Tracts and the District of Darjeeling	1
United Provinces.	Cities of the United Provinces (Non-Muhammadan).	Non-Muhammadan Urban.	The municipalities and cantonments of Agra, Meerut, Cawnpore, Benares, Allahabad, Bareilly and Lucknow.	1
Ditto	Meerut Division (Non Muhammadan)	Non-Muhammadan Rural.	The Meerut Division excluding the municipality and cantonment of Meerut.	1
Ditto	Agra Division (Non Muhammadan).	Ditto	The Agra Division excluding the municipality and cantonment of Agra.	1
Ditto	Rohilkund and Kumaon Divisions (Non Muhammadan)	Ditto	The Rohilkund and Kumaon Divisions excluding the municipality and cantonment of Bareilly.	1
Ditto	Allahabad and Jhansi Divisions (Non-Muhammadan).	Ditto	The Allahabad Division (excluding the municipalities and cantonments of Allahabad and Cawnpore) and the Jhansi Division.	1
Ditto	Benares and Gorakhpur Divisions (Non Muhammadan).	Ditto	The Benares and Gorakhpur Divisions excluding the municipality and cantonment of Benares.	1
Ditto	Lucknow Division (Non-Muhammadan).	Ditto	The Lucknow Division excluding the municipality and cantonment of Lucknow.	1
Ditto	Fyzabad Division (Non-Muhammadan)	Ditto	The Fyzabad Division	1

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members
United Provinces.	Cities of the United Provinces (Muhammadan)	Muhammadan Urban.	The municipalities and cantonments of Agra, Meerut, Cawnpore, Benares, Allahabad, Bareilly and Lucknow.	1
Ditto .	Meerut Division (Muhammadan).	Muhammadan Rural.	The Meerut Division excluding the municipality and cantonment of Meerut.	1
Ditto .	Agra Division (Muhammadan).	Ditto .	The Agra Division excluding the municipality and cantonment of Agra.	1
Ditto .	Rohilkund and Kumaon Divisions (Muhammadan).	Ditto .	The Rohilkund and Kumaon Divisions excluding the municipality and cantonment of Bareilly.	1
Ditto .	United Provinces Southern Divisions (Muhammadan).	Ditto .	The Allahabad, Jhansi, Benares and Gorakhpur Divisions, excluding the municipalities and cantonments of Allahabad, Cawnpore and Benares.	1
Ditto .	Lucknow and Fyzabad Divisions (Muhammadan)	Ditto .	The Lucknow and Fyzabad Divisions excluding the municipality and cantonment of Lucknow.	1
Ditto .	United Provinces (European)	European .	The United Provinces of Agra and Oudh.	1
Ditto .	United Provinces Landholders.	Landholders.	Ditto .	1
Punjab .	Ambala Division (Non-Muhammadan).	Non-Muhammadan.	The Ambala Division . .	1
Ditto .	Jullundur Division (Non-Muhammadan).	Ditto .	The Jullundur Division .	1
Ditto .	West Punjab (Non-Muhammadan).	Ditto .	The Lahore, Rawal Pindi and Multan Divisions	1
Ditto .	East Punjab (Muhammadan).	Muhammadan	The Ambala Division, and the Districts of Kangra, Hoshiarpur, Jullundur and Ludhiana.	1

Province.	Name of Constituency.	Class of Constituency	Extent of Constituency	No. of members
Punjab	East Central Punjab (Muhammadan)	Muhammadan	The Districts of Ferozepore, Lahore, Amritsar and Gurdaspur.	1
Ditto	West Central Punjab (Muhammadan).	Ditto .	The Districts of Sialkot, Gujranwala, Sheikhupura and Lyallpur.	1
Ditto	North Punjab (Muhammadan).	Ditto	The Districts of Gujrat, Jhelum and Rawal Pindi.	1
Ditto . .	North-West Punjab (Muhammadan).	Ditto .	The Districts of Attock, Mianwali, Shahpur and Jhang.	1
Ditto .	South-West Punjab (Muhammadan).	Ditto .	The Districts of Multan, Montgomery, Muzaffargarh and Dera Ghazi Khan.	1
Ditto	East Punjab (Sikh)	Sikh . .	The Ambala and Jullundur Divisions.	1
Ditto .	West Punjab (Sikh)	Ditto .	The Lahore, Rawal Pindi and Multan Divisions.	1
Ditto	Punjab Landholders	Landholders	The Province of the Punjab .	1
Bihar & Orissa	Darbhanga *cum* Saran (Non-Muhammadan).	Non-Muhammadan.	The Districts of Darbhanga and Saran.	1
Ditto .	Mazaffarpur *cum* Champaran (Non Muhammadan)	Ditto	The District of Muzaffarpur and Champaran.	1
Ditto .	Orissa Division (Non Muhammadan).	Ditto .	The Orissa Division . .	2
Ditto .	Patna *cum* Shahabad (Non-Muhammadan).	Ditto .	The Patna and Shahabad Districts.	1
Ditto .	Gaya *cum* Monghyr (Non-Muhammadan).	Ditto .	The Gaya and Monghyr Districts.	1

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bihar & Orissa	Bhagalpur, Purnea and the Santhal Parganas (Non-Muhammadan).	Non-Muhammadan.	The Districts of Bhagalpur, Purnea and the Santhal Parganas.	1
Ditto .	Chota Nagpur Division (Non-Muhammadan).	Ditto .	The Chota Nagpur Division .	1
Ditto .	Patna and Chota Nagpur *cum* Orissa (Muhammadan).	Muhammadan	The Patna, Chota Nagpur and Orissa Divisions.	1
Ditto .	Bhagalpur Division (Muhammadan).	Ditto .	The Bhagalpur Division .	1
Ditto .	Tirhut Division (Muhammadan).	Ditto .	The Tirhut Division . .	1
Ditto .	Bihar and Orissa Landholders	Landholders	The Province of Bihar and Orissa	1
Central Provinces.	Nagpur Division .	Non-Muhammadan.	The Nagpur Division excluding the Sironcha Tahsil of the Chanda District	1
Ditto	Central Provinces Hindi Divisions.	Ditto .	The Jubbulpore and Chhattisgarh Divisions	2
Ditto .	Central Provinces (Muhammadan)	Muhammadan	The Central Provinces excluding the Sironcha Tahsil of the Chanda District.	1
Ditto .	Central Provinces Landholders.	Landholders.	Ditto . . .	1
Assam . .	Assam Valley .	Non-Muhammadan	The District of the Assam Valley.	1
Ditto .	Surma Valley *cum* Shillong	Ditto .	The Districts of the Surma Valley and the municipality and cantonment of Shillong	1
Ditto .	Assam (Muhammadan)	Muhammadan	The Province of Assam .	1
Ditto .	Assam (European)	European .	The Province of Assam .	1

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency	No. of members.
Burma .	Burma (Non-European).	Non-European	The Province of Burma .	3
Ditto .	Burma (European)	European .	Ditto .	1
Delhi . .	Delhi . . .	General	The Province of Delhi . .	1
Ajmer-Merwara.	Ajmer-Merwara .	Ditto .	The Province of Ajmer-Merwara	1
North-West Frontier Province	North-West Frontier Province	Ditto .	The North-West Frontior Province	1

(2) The following zamindari and jagirdari estates shall be excluded from the area of any constituency in the Central Provinces in which they would otherwise be included, namely —

(a) the estates specified in Part VI of the First Schedule to the Schedule Districts Act, 1874;

(b) the following zamindaries of the Chhattisgarh Division, namely, Kantei, Bhatgoan, Bilaigarh-Katgi Parpori, Khujji, Devri Suarmar, Narra and Kauria.

II (1).—List of Constituencies entitled to representation in rotation.

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bombay	Sind (Muhammadan).	Muhammadan Rural.	The Province of Sind . .	1
	Bombay Northern Division (Muhammadan)	Ditto . .	The Northern Division and the Bombay Suburban District.	
Ditto	Bombay Central Division (Muhammadan)	Ditto .	The Central Division excluding the Bombay Suburban District.	1
	Bombay Southern Division (Muhammadan)	Ditto .	The Southern Division . .	
Ditto	Sind Jagirdars and Zamindars	Landholders.	The Province of Sind . .	1
	Gujrat and Deccan Sardars and Inamdars.	Ditto .	The Bombay Presidency excluding Sind	
Ditto	The Bombay Millowners' Association.	Indian Commerce.	(Non-territorial) . . .	1
	The Ahmedabad Millowners' Association.	Ditto .	Ditto . . .	
Bengal	Bengal National Chamber of Commerce.	Ditto .	Ditto . . .	1
	Marwari Association	Ditto .	Ditto . . .	
	Bengal Mahajan Sabha.	Ditto .	Ditto . . .	

(2) In a case where two constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Legislative Assembly at the general election and at all bye-elections so long as the first Legislative Assembly continues, and the constituency second mentioned shall elect at the general election to the next Legislative Assembly and at bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Legislative Assemblies.

(3) In the case where three constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Legislative Assembly at the general election and at all bye-elections so long as the first Legislative Assembly continues, and the second mentioned constituency shall elect at the general election to the next Legislative Assembly and at bye-elections in like manner, and the third mentioned constituency shall elect at the general election to the third Legislative Assembly and at bye-elections in like manner and thereafter the constituencies shall elect in like manner in rotation to succeeding Legislative Assemblies.

(4) Where a constituency mentioned in the above list fails, at any election to any Legislative Assembly, to elect a person after being called upon to do so under sub-rule (3) of rule 14, the Governor General may, in his discretion and notwithstanding anything contained in the proviso to the said sub-rule, call upon the constituency next entitled to elect in rotation to elect a person Any representation given to a constituency under this paragraph shall be in addition to any representation to which it is entitled under paragraphs (2) and (3), and the right to elect at any subsequent election shall be determined in accordance with those paragraphs as if there had been no failure to elect.

SCHEDULE II.

(See rule 8.)

Qualifications of Electors.

Part I —MADRAS.

Definitions.

1. For the purposes of this Part—

(*a*) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile,

(*b*) "previous year" means the financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules,

(*c*) "estate" means—

(*i*) any permanently settled estate or temporarily settled zamindari,

(*ii*) any portion of such permanently settled estate or temporarily settled zamindari which is separately registered in the office of the Collector,

(*iii*) any unsettled Palaiyam or Jagir,

(*iv*) any Inam village of which the grant has been confirmed or recognised by the British Government or any separated part of such village,

(*v*) any portion consisting of one or more villages of any of the estates specified above in clauses (*i*), (*ii*) and (*iii*) which is held on a permanent under tenure,

(*d*) "landholder" means a person owning an estate or part thereof and includes every person entitled to collect the rents of the whole or any portion of the estate by virtue of any transfer from the owner or his predecessor in title or of any orders of a competent court or of any provision of law;

(*e*) "ryot" means a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it.

Revenue accounts, etc., to be conclusive evidence.

2. For the purpose of determining any claim to a qualification under this Part the entries in the land-revenue accounts and *muchilakas* and in the municipal records shall be conclusive evidence of the facts therein stated

Joint families.

3. (1) If property is held or payments are made jointly by the members of a joint family or by joint pattadars the family or joint holding shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist, the person qualified shall be the member authorised by a majority of the family

or of the joint holders or, in the case of a Hindu joint family, the manager, unless any other member is nominated by the majority of the adult male members of the family.

(2) A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family or of joint pattadars, but not in both capacities

4 Save as in this Part expressly provided, no person shall be qualified as an elector in respect of any property unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

Fiduciary capacity not recognised.

5. For the purposes of this Part the annual rent value of land shall be determined in accordance with the provisions of section 79 of the Madras Local Boards Act, 1920, with reference to the accounts of the *fasli* year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules or, if the accounts for that year are not available, with reference to the latest accounts that are available provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of section 79 of the Madras Local Boards Act, 1920, the Registration Officer shall determine the value for the purposes of this Part upon the best information available

Annual rent value.

General Constituencies.

6. A person shall be qualified as an elector for the Madras City constituency who is neither a Muhammadan nor a European and who resided in the constituency for not less than 120 days in the previous year and who—

Madras City Constituency.

(*a*) was in the previous year assessed to an aggregate amount of not less than Rs 20 in respect of one or more of the following taxes, namely, property tax, tax on companies, or profession tax, or

(*b*) was in the previous year assessed to income-tax

7. A person shall be qualified as an elector in any other general constituency who resided in the constituency for not less than 120 days in the previous year and who—

Rural Constituencies.

(*a*) is registered as a ryotwari pattadar or as an inamdar of land of which the annual rent value is not less than Rs 50; or

(*b*) holds on a registered lease under a ryotwari pattadar or inamdar land of which the annual rent value is not less than Rs 50, or

(*c*) is registered jointly with the proprietor under section 14 of the Malabar Land Registration Act, 1895, as the occupant of land of which the annual rent value is not less than Rs 50, or

(*d*) is a landholder holding an estate of which the annual rent value is not less than Rs. 50, or

(*e*) holds as "ryot" or as tenant under a landholder land of which the annual rent value is not less than Rs 50; or

(f) was in the previous year assessed in a municipality included in the constituency to an aggregate amount of not less than Rs 20 in respect of one or more of the following taxes, namely, property tax, tax on companies, or profession tax, or

(g) was in the previous year assessed to income-tax:

Provided that—

(i) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency;

(ii) a person shall be qualified as an elector for a Muhammadan or European constituency according as he is a Muhammadan or a European; and

(iii) a European shall not be deemed to be disqualified to be an elector for the Madras (European) constituency by reason only of non-residence if he is employed in the constituency and his non-residence is due to absence on leave from such employment.

Special Constituencies.

The Landholders' Constituency. 8 A person shall be qualified as an elector for the Landholders' constituency if he possesses qualifications entitling him to have his name registered on the electoral roll of any Landholders' constituency of the Legislative Council of the Governor of Madras

The Indian Commerce Constituency. 9 Every Indian and one duly authorised representative of every Indian partnership shall be qualified as an elector on the roll of the Indian Commerce constituency if such person has resided in the presidency for not less than 120 days in the previous year, and if he or the partnership, as the case may be, has been assessed to income-tax in the previous year on an income of not less than Rs 10,000 derived from business within the meaning of the Indian Income-tax Act, 1922

Explanation —For the purposes of this paragraph—

(a) "Indian" includes any person who is not a European, and

(b) "Indian partnership" means any non-European joint family, or any firm, association or company of which no partner or director is a European.

PART II —BOMBAY

Definitions. 1. For the purposes of this Part—

(a) "a European" means every person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

(b) "publication of the electoral roll" means the first publication under these rules of the electoral roll or the list of amendments thereto as the case may be for the time being under preparation;

(c) "tenant" means a lessee whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession;

(d) a person is said to hold land when he is lawfully in possession of such land whether such possession is actual or not.

2 Where any property is held or occupied or payment is made or received jointly by the members of a joint family the family shall be adopted as the unit for deciding whether under the provisions of this Part the requisite qualification exists, and, if it does exist, the manager of the family only shall be qualified as an elector in respect of such property or payment.

Joint families.

3 No person holding or occupying any property or making or receiving any payment in a fiduciary capacity shall be qualified as an elector for any constituency in respect of such property or payment.

Trustees.

4. The average rate of assessment on assessed land in a village or, if there is no such land in the village, the average rate of assessment on assessed land in the nearest village containing such land shall be taken as the rate for calculating the assessable value of unassessed land in such village.

Unassessed land.

5. For the purpose of deciding any claim to a qualification under this part, an entry in any revenue record shall be conclusive evidence of the facts stated therein.

Revenue record conclusive evidence.

General Constituencies

6 A person shall be qualified as an elector for a non-Muhammadan or Muhammadan constituency who, on the 1st day of January next preceding the date of publication of the electoral roll, had a place of residence within the constituency or within a contiguous constituency of the same communal description and who—

Non-Muhammadan and Muhammadan Constituencies.

(a) in the case of the Sind constituencies, on the 1st day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from Government alienated or unalienated land in such constituency on which, in any one of the five revenue years preceding the publication of the electoral roll, an assessment of not less than Rs 37-8-0 land revenue in the Upper Sind Frontier district and of not less than Rs 75 land revenue in any other district has been paid or would have been paid if the land had not been alienated, or

(b) in the case of any other constituency on the 1st day of January aforesaid held in his own right or occupied as a tenant in such constituency alienated or unalienated land assessed at, or of the assessable value of, not less than Rs 37-8-0 land revenue in the Panch Mahal Sub-Division of the Broach and Panch Mahals District or in the Ratnagiri District and not less than Rs 75 land revenue elsewhere; or

(c) on the 1st day of January aforesaid was the alienee of the right of Government to the payment of rent or land revenue, amounting to Rs. 37-8-0 in the Panch Mahals Sub-Division of the Broach and Panch Mahals District or in the Ratnagiri or Upper Sind Frontier Districts and of Rs 75 elsewhere, leviable in respect of land so alienated and situate within the constituency, or was a khot or a sharer in a khoti village in the constituency or a sharer in a bhagdari or narvadari village in the constituency, responsible for the payment of Rs 37-8-0 land revenue in the Panch Mahal Sub-Division of the Broach and Panch Mahals District or in the Ratnagiri District and Rs 75 land revenue elsewhere; or

(d) was assessed to income-tax in the financial year preceding that in which the publication of the electoral roll takes place:

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

The European Constituency.

7. A person shall be qualified as an elector for the Bombay (European) constituency whose name is registered on the electoral roll of either European constituency of the Legislative Council of the Governor of Bombay, or who is qualified for enrolment in either of such rolls

Special Constituencies.

The Landholders' Constituencies.

8. (1) A person shall be qualified as an elector for the Sind Jagirdars and Zamindars constituency who is a Jagirdar of the first or second class in Sind, or a Zamindar who in each of the three revenue years preceding the publication of the electoral roll has paid not less than Rs. 1,000 land revenue on land situated in any district in Sind.

(2) A person shall be qualified as an elector for the Deccan and Gujarat Sardars and Inamdars constituency whose name is entered in the list for the time being in force under the Resolutions of the Government of Bombay in the Political Department, No. 2363, dated the 23rd July, 1867 and No. 6265, dated the 21st September 1909, or who, on the 1st day of January next preceding the publication of the electoral roll, was the sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village in the presidency of Bombay excluding Sind, or was the sole holder on talukdari tenure of such a village

The Indian Commerce Constituency.

9. Members of the Indian Merchants Chamber and Bureau and of the Bombay Millowners' Association and of the Ahmedabad Millowners' Association shall be qualified as electors respectively for the constituency comprising the Association of which they are members.

PART III.—BENGAL.

1. For the purposes of this Part— **Definitions.**

(a) "a European" means every person of European descent in the male line being a British subject and resident in British India who either was born in or has a domicile in the United Kingdom or in any British possession or any State in India or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

(b) "previous year" means the financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist the person qualified shall be the manager of the family. **Joint families**

Provided that nothing in this rule shall affect the qualification as an elector for the Bengal Landholders' constituency of a person who possesses the qualifications specified in rule 7

3. A person shall not be qualified as an elector for a general constituency by virtue of any property held or payment made as a trustee, administrator, receiver or guardian or in any other fiduciary capacity. **Fiduciary capacity.**

General Constituencies

4. A person shall be qualified as an elector for the Calcutta (non-Muhammadan) constituency who is neither a Muhammadan nor a European and who has a place of residence in Calcutta as defined in section 3 (11) of the Calcutta Municipal Act, 1923, and who— **Calcutta (Non-Muhammadan) Constituency.**

(a) during and in respect of the previous year has paid not less than Rs 60 as consolidated rate levied under Chapter X of the Calcutta Municipal Act, 1923, or as taxes levied under Chapter XII of that Act

Provided that where any payment has been made in respect of the consolidated rate, a person shall be qualified as an elector only if his name is entered in the municipal assessment book in respect of the payment, or

(b) was in the previous year assessed to income-tax on an income of not less than Rs 5,000; or

(c) is a member of a firm which in the previous year was assessed to income-tax and whose share of the firm's income on which income-tax was so assessed is certified by an Income-tax Officer in a certificate specifying the names and shares of the partners of the firm to have been not less than Rs 5,000.

Non-Muhammadan and Muhammadan Constituencies.

5 A person shall be qualified as an elector for any other general constituency who has a place of residence in the constituency and who—

(a) during and in respect of the previous year, or, as the case may be, during and in respect of the Bengali year next preceding that in which the electoral roll or the list of amendments thereto. as the case may be, for the time being under preparation is first published under these rules, has paid not less than Rs. 60 as consolidated rate levied under Chapter X of the Calcutta Municipal Act, 1923, or as taxes levied under Chapter XII of that Act.

Provided that where any payment has been made in respect of consolidated rate, a person shall be qualified as an elector only if his name is entered in the municipal assessment book in respect of the payment; or

(b) has paid, during and in respect of such year, in the municipality of Howrah, municipal taxes or fees of not less than Rs 10, or in any other municipality or cantonment municipal or cantonment taxes or fees of not less than Rs 5, or

(c) has paid, during and in respect of such year, road and public works cesses under the Cess Act, 1880, of not less than Rs. 5, or

(d) has paid during and in respect of such year, chaukidari tax under the Village Chaukidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 5, or

(e) was in the previous year assessed to income-tax on an income of not less than Rs. 5,000, or

(f) is a member of a firm which in the previous year was assessed to income-tax and whose share of the firm's income on which income-tax was so assessed is certified by an Income-tax Officer in a certificate specifying the names and shares of the partners of the firm to have been not less than Rs. 5,000·

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

The European Constituency.

6. (1) A person shall be qualified as an elector for the Bengal (European) constituency who is a European and has a place of residence in the constituency and who—

(a) was in the previous year assessed to income-tax on an income of not less than Rs. 12,000, or

(b) is a member of a firm which in the previous year was assessed to income-tax and whose share of the firm's income on which income-tax was so assessed is certified

by an Income-tax Officer in a certificate specifying the names and shares of the partners of the firm to have been not less than Rs. 12,000

(2) A person shall be deemed to have a place of residence within the limits of the constituency if he—

(a) ordinarily lives within those limits, or

(b) maintains within those limits a dwelling house ready for occupation and occasionally occupies it

Explanation —A person may have a place of residence within the limits of more than one constituency at the same time.

Special Constituencies

The Landholder Constituency.

7 A person shall be qualified as an elector for the Bengal Landholders' constituency who has a place of residence in the constituency and who during the previous year—

(a) in the area comprising the Burdwan and Presidency Divisions held in his own right, as a proprietor, one or more estates or shares of estates and paid in respect thereof land-revenue amounting to not less than Rs. 6,000, or road and public works cesses amounting to not less than Rs 1,500, or

(b) in the area comprising the Dacca, Rajshahi and Chittagong Divisions held in his own right, as a proprietor, one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such a proprietor, and paid in respect thereof land-revenue amounting to not less than Rs 4,000, or road and public works cesses amounting to not less than Rs 1,000.

Determination of qualifications.

8 In determining the qualification of a landholder as an elector—

(a) only such estates and shares of estates, and only such permanent tenures and shares of permanent tenures as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account,

(b) only such estates and shares of estates as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account,

(c) only such permanent tenures and shares of permanent tenures as are held by him (a owner) in his own right and not in a fiduciary capacity shall be taken into account,

(d) only land-revenue or road and public works cesses payable in respect of his own personal share shall be taken into account;

(e) if the amount of land-revenue or road and public works cesses paid by a landholder in respect of any share of an estate or permanent tenure is not definitely known,

the District Officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

Explanation.—A *mutualli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

The Indian Commerce Constituencies.

9 Members of the Bengal National Chamber of Commerce and of the Marwari Association and of the Bengal Mahajan Sabha shall be qualified as electors respectively for the constituency comprising the Chamber, Association or Sabha of which they are members.

Explanation.—For the purposes of this paragraph "member" includes any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member.

PART IV.—THE UNITED PROVINCES

Definitions.

1 For the purposes of this Part—

(a) "a European" means every person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

(b) "municipal record" means a record prepared under the provisions of the United Provinces Municipalities Act, 1916, the United Provinces Town Areas Act, 1914, or the Cantonments Act, 1910;

(c) "municipal tax" means a tax imposed under the provisions of the United Provinces Municipalities Act, 1916, the United Provinces Town Areas Act, 1914, or the Cantonments Act, 1910;

(d) "owner" does not include a mortgagee, a trustee, or a lessee;

(e) "previous year" means the financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules;

(f) "urban area" means a municipality or notified area as defined in the United Provinces Municipalities Act, 1916, or a town area as defined in the United Provinces Town Areas Act, 1914, or a cantonment as defined in the Cantonments Act, 1910.

Joint families.

2. (1) Where property is held or payments are made jointly by the members of a joint family or joint tenancy the family or tenancy shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof and in other cases the member nominated in that behalf by the family or tenancy concerned

(2) No person shall be qualified as an elector as a representative of more than one joint tenancy.

(3) A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family or joint tenancy, but not in both capacities.

3. Any person who occupies a house, other than a house in any military or police lines, by virtue of any office, service, or employment shall, if the house is not inhabited by the person in whose service or employment he is, be deemed to occupy the house as a tenant.

Occupation of house.

4 A person shall be deemed to have a place of residence within the limits of a constituency if he—

Residence.

(a) ordinarily lives within those limits, or

(b) maintains within those limits a dwelling house ready for occupation and occasionally occupies it

Explanation —A person may have a place of residence within the limits of more than one constituency at the same time

5. For the purpose of determining any claim to a qualification under this part, the entries contained in land revenue and municipal records shall be conclusive evidence of the facts stated therein

Land revenue and Municipal records conclusive evidence.

General Constituencies

6. A person shall be qualified as an elector for a non-Muhammadan or Muhammadan urban constituency who is not a European and who—

Non-Muhammadan and Muhammadan urban Constituencies.

(1) has a place of residence in the constituency or within two miles of the boundary thereof, and—

(a) is, in any place in the area aforesaid in which a house or building tax is in force, the owner or tenant of a house or building of which the rental value is not less than Rs 180 per annum, or

(b) was, in any area in the constituency in which no house or building tax is in force, assessed in the previous year to municipal tax on an income of not less than Rs 1 000 per annum, or

(c) is, in any area in the constituency in which neither a house or building tax nor a municipal tax based on income is in force, the owner or tenant of a house or building of which the rental value is not less than Rs 180 per annum, or

(d) has within the constituency any of the qualifications based on the holding of land hereinafter prescribed for an elector of a rural constituency; or

(2) has a place of residence in the constituency and was in the previous year assessed to income-tax

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency

7. A person shall be qualified as an elector for a non-Muhammadan or Muhammadan rural constituency who is not a European and who has a place of residence in the constituency and—

(a) is, in an urban area included in the constituency in which a house or building tax is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 180 per annum; or

(b) was, in an urban area included in the constituency in which no house or building tax is in force, assessed in the previous year to municipal tax on an income of not less than Rs. 1,000 per annum; or

(c) is, in an urban area included in the constituency where neither a house or building tax nor a municipal tax based on income is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 180 per annum; or

(d) is the owner of land in the constituency in respect of which land revenue amounting to not less than Rs. 150 per annum is payable; or

(e) is the owner of land in the constituency free of land revenue, if the land-revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than Rs 150 per annum; or

(f) being a resident in the hill pattis of Kumaun—

(i) is liable to pay land revenue or rent amounting to not less than Rs 25 per annum, or

(ii) is the owner of land in the hill pattis free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same either alone or together with any land revenue payable by him as owner in respect of other land in the hill pattis, amounts to not less than Rs. 25 per annum, or

(iii) is the owner of a fee-simple estate; or

(g) being in the constituency a permanent tenure holder or a fixed rate tenant as defined in the Agra Tenancy Act, 1901, or an under-proprietor or occupancy tenant as defined in the Oudh Rent Act, 1886, is liable to pay rent as such of not less than Rs. 150 per annum; or

(h) (i) being in the constituency a tenant as defined in the Agra Tenancy Act, 1901, or the Oudh Rent Act, 1886, other than a sub-tenant, holds land as such in respect of which rent of not less than Rs. 150 per annum or its equivalent in kind is payable, or

(ii) in areas in the United Provinces in which the Agra Tenancy Act, 1901, or the Oudh Rent Act, 1886, is not in force, holds land as a tenant in respect of which rent of not less than Rs. 150 per annum or its equivalent in kind is payable; or

(i) was in the previous year assessed to income-tax:

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency

The European Constituency.

8 A person shall be qualified as an elector for the United Provinces (European) constituency who is a European and has a place of residence in the United Provinces of Agra and Oudh and has any of the qualifications prescribed in clauses (d), (e), (f), (g), (h) and (i) of paragraph 7 of this Part for an elector of a non-Muhammadan or Muhammadan rural constituency.

Special Constituency

The Landholders' Constituency.

9 A person shall be qualified as an elector for the United Provinces Landholders' constituency who has a place of residence in the constituency and—

(a) is the owner of land in the constituency in respect of which land revenue amounting to not less than Rs 5,000 per annum is payable, or

(b) is the owner of land in the constituency free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either along or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than Rs 5,000 per annum

Provided that, in determining the eligibility of a landholder as an elector, only land revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

Part V.—PUNJAB.

Definitions.

1. For the purposes of this Part—

(a) "annual rental value" in relation to immoveable property means the amount for which such property, together with its appurtenances and furniture, if any, is actually let or may reasonably be expected to let from year to year,

(b) "date of publication of the electoral roll" means the date on which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules;

7. A person shall be qualified as an elector for a non-Muhammadan or Muhammadan rural constituency who is not a European and who has a place of residence in the constituency and—

(a) is, in an urban area included in the constituency in which a house or building tax is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 180 per annum; or

(b) was, in an urban area included in the constituency in which no house or building tax is in force, assessed in the previous year to municipal tax on an income of not less than Rs 1,000 per annum; or

(c) is, in an urban area included in the constituency where neither a house or building tax nor a municipal tax based on income is in force, the owner or tenant of a house or building of which the rental value is not less than Rs 180 per annum; or

(d) is the owner of land in the constituency in respect of which land revenue amounting to not less than Rs. 150 per annum is payable; or

(e) is the owner of land in the constituency free of land revenue, if the land-revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than Rs 150 per annum; or

(f) being a resident in the hill pattis of Kumaun—

(i) is liable to pay land revenue or rent amounting to not less than Rs. 25 per annum, or

(ii) is the owner of land in the hill pattis free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same either alone or together with any land revenue payable by him as owner in respect of other land in the hill pattis, amounts to not less than Rs 25 per annum, or

(iii) is the owner of a fee-simple estate; or

(g) being in the constituency a permanent tenure holder or a fixed rate tenant as defined in the Agra Tenancy Act, 1901, or an under-proprietor or occupancy tenant as defined in the Oudh Rent Act, 1886, is liable to pay rent as such of not less than Rs. 150 per annum; or

(h) (i) being in the constituency a tenant as defined in the Agra Tenancy Act, 1901, or the Oudh Rent Act, 1886, other than a sub-tenant, holds land as such in respect of which rent of not less than Rs. 150 per annum or its equivalent in kind is payable, or

(ii) in areas in the United Provinces in which the Agra Tenancy Act, 1901, or the Oudh Rent Act, 1886, is not in force, holds land as a tenant in respect of which rent of not less than Rs. 150 per annum or its equivalent in kind is payable, or

(i) was in the previous year assessed to income-tax

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency

8 A person shall be qualified as an elector for the United Provinces (European) constituency who is a European and has a place of residence in the United Provinces of Agra and Oudh and has any of the qualifications prescribed in clauses (d), (e), (f), (g), (h) and (i) of paragraph 7 of this Part for an elector of a non-Muhammadan or Muhammadan rural constituency.

The European Constituency.

Special Constituency

9 A person shall be qualified as an elector for the United Provinces Landholders' constituency who has a place of residence in the constituency and—

The Landholders' Constituency.

(a) is the owner of land in the constituency in respect of which land revenue amounting to not less than Rs 5,000 per annum is payable, or

(b) is the owner of land in the constituency free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either along or together with any land revenue payable by him as owner, in respect of other land in the constituency, amounts to not less than Rs 5,000 per annum

Provided that, in determining the eligibility of a landholder as an elector, only land revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

PART V —PUNJAB

1. For the purposes of this Part—

Definitions.

(a) "annual rental value" in relation to immoveable property means the amount for which such property, together with its appurtenances and furniture, if any, is actually let or may reasonably be expected to let from year to year;

(b) "date of publication of the electoral roll" means the date on which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules;

(c) "land revenue" means land revenue as defined in section 3 (6) of the Punjab Land Revenue Act, 1887, and, in the case of fluctuating land revenue or land revenue assessed on lands subject to river action, the average amount of such land revenue paid during the three years preceding the date of publication of the electoral roll,

(d) "owner" does not include a mortgagee;

(e) "the land records" means an attested record of rights or an attested annual record of rights maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and includes an order finally sanctioning a mutation duly passed under that Chapter.

Presumption as to title.

2 For the purposes of this Part, a person may be presumed to reside in a constituency if he owns a family dwelling-house or a share in a family dwelling-house in the constituency, and that house has not during the twelve months preceding the date of publication of the electoral roll been let on rent either in whole or in part.

Land-records etc., to be conclusive evidence.

3. For the purpose of determining a claim to a qualification under this Part any entry in the land records or in any municipal or cantonment records shall be conclusive evidence of the facts stated therein

Co-sharers.

4 Where two or more persons are co sharers in land assessed to land revenue or in other immoveable property or in a tenancy or lease of land assessed to land revenue or in the receipt of assigned land revenue, every such person shall be qualified as an elector who would be so qualified if his share in such land, property, tenancy, lease or assignment were held separately.

Explanation —For the purposes of this paragraph the share of any such person who is under twenty-one years of age shall be deemed to be the share of his father or, if his father is dead, of his eldest brother, provided that his father or eldest brother as the case may be, is a co sharer with him in the property.

General Constituencies.

Non-Muhammadan, Muhammadan and Sikh Constituencies.

5. A person shall be qualified as an elector for a general constituency who resides in the constituency and who—

(a) has owned for the twelve months preceding the date of the publication of the electoral roll immoveable property, not being land assessed to land revenue but including any building erected on such land, of the value of not less than Rs 15,000 or of an annual rental value of not less than Rs. 336: provided that a person shall be deemed to have owned such property for any period during which it was owned by any person through whom he derives title by inheritance; or

(b) is the owner of land assessed to land revenue of not less than Rs. 100 per annum; or

(c) is an assignee of land revenue amounting to not less than Rs 100 per annum; or

(d) is a tenant or lessee, under the terms of a lease for a period of not less than three years, of Crown land for which rent of not less than Rs 100 per annum is payable provided that, when the amount payable is assessed from harvest to harvest the annual rent payable by such person shall be deemed to be the annual average amount payable by him in the three years preceding the date of publication of the electoral roll; or

(e) was during the financial year preceding the date of publication of the electoral roll assessed to income-tax on an income of not less than Rs. 5,000·

Provided that—

(i) no person shall be qualified as an elector for a Muhammadan constituency who is not a Muhammadan or for a Sikh constituency who is not a Sikh, and

(ii) no Muhammadan or Sikh shall be qualified as an elector for a non-Muhammadan constituency

Explanation —If any question arises as to whether any person is or is not a Sikh he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such form and manner as the local Government may by regulation prescribe a declaration that he is a Sikh

Special Constituency

The Landholders' Constituency. 6 A person shall be qualified as an elector for the Landholders' constituency who resides in the Punjab and who is—

(a) the owner of land assessed to land revenue of not less than Rs 1 000 per annum, or

(b) an assignee of land revenue amounting to not less than Rs 1,000 per annum

PART VI.—BIHAR AND ORISSA

Definition. 1 For the purposes of this Part—

'previous year' means the financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules.

Joint families. 2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists, and, if it does exist, the person qualified shall be in the case of a Hindu joint family the manager thereof and in other cases the member authorised in that behalf by the family concerned

Place of residence. 3 A person shall be deemed to have a place of residence within the limits of a constituency if he—

(a) ordinarily lives within those limits, or

(b) has his family dwelling-house within those limits and occasionally occupies it, or

(c) maintains within those limits a dwelling-house ready for occupation in charge of resident servants and occasionally occupies it.

Explanation.—A person may be resident within the limits of more than one constituency at the same time

General Constituencies.

Non-Muhammadan and Muhammadan constituencies.

4. A person shall be qualified as an elector for a general constituency who has a place of residence in the constituency, and—

(a) holds an estate or estates or a portion of an estate or portions of estates for which a separate account or accounts (including a residuary account) has or have been opened, for which land, whether revenue paying or revenue free or rent free land, an aggregate amount of not less,—

(i) in the case of land in the Patna Division, than Rs 30, or

(ii) in the case of land in the Bhagalpur and Tirhut Divisions, than Rs 24, or

(iii) in the case of land in the Orissa and Chota Nagpur Divisions, than Rs 12,

is payable direct to the treasury as local cess, or

(b) holds a tenure or tenures which is or are valued for the purpose of local cess at an aggregate amount of not less,—

(i) in the case of tenures in the Patna Division, than Rs 400 per annum, or

(ii) in the case of tenures in the Chota Nagpur Division, than Rs. 300 per annum, or

(iii) in the case of tenures in the Bhagalpur Division, than Rs 200 per annum, or

(iv) in the case of tenures in the Tirhut Division, than Rs 150 per annum; or

(v) in the case of tenures in the Orissa Division, than Rs. 100 per annum; or

(c) holds land as a raiyat and is liable to pay an annual aggregate rent or local cess amounting respectively—

(i) to Rs. 160 and Rs. 5 in the Patna Division, or

(ii) to Rs 96 and Rs. 3 in the Tirhut Division, or

(iii) to Rs. 64 and Rs. 2 in the Orissa Division, or

(iv) to Rs. 40 and Rs. 1-4-0 in the Chota Nagpur Division, or

(v) to Rs. 144 and Rs. 4-8-0 in the Bhagalpur and Monghyr districts, or

(vi) to Rs. 96 and Rs 3 in the Purnea and Santhal Parganas districts; or

(d) was in the previous year assessed to income-tax on an income of not less than Rs. 3,840; or

(c) was in the previous year assessed to an aggregate amount of not less than Rs 15 in respect of any municipal or cantonment rates or taxes:

Provided that—

(i) no person who is not a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency

Explanation—If a person who is not qualified as an elector under clause (a), (b), or (c) in respect of estates, tenures or land held in any one division or district, holds estates, tenures or land in more than one division or district, and if the aggregate amount of the local cess or rent payable on such estates or land, or of the valuation of such tenures, is not less than the amount prescribed for the division or district in which the local cess or rent payable, or the valuation of his tenure or tenures, as the case may be is largest, he shall be qualified as an elector for the constituency in which that division or district is situated, provided that he has a place of residence in any one of such divisions or districts.

Special Constituency

The Landholders' Constituency.

5. A person shall be qualified as an elector for the Landholders' constituency who has a place of residence in the province of Bihar and Orissa and is liable to pay annually land revenue or local cess to an aggregate amount of not less than Rs 10,000 and Rs 2,500, respectively

Determination of qualification.

6. In determining any claim to a qualification for a Landholders' constituency—

(a) only such estates or shares of estates as are held by a person as proprietor in his own right and not in a fiduciary capacity and are registered in his own name in registers maintained under the Land Registration Act, 1876, whether such estates are situated in one or more divisions, shall be taken into account, and

(b) if the amount paid by the landholder in respect of any such share of an estate is not definitely known, the District Officer of the district in which such estate is situated shall estimate the amount so paid in respect of such share, and his decision shall be final

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PART VII —THE CENTRAL PROVINCES

Definitions.

1. For the purposes of this Part—

(a) "previous year" means the financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules;

(e) was in the previous year assessed to an aggregate amount of not less than Rs. 15 in respect of any municipal or cantonment rates or taxes

Provided that—

(i) no person who is not a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency

Explanation —If a person who is not qualified as an elector under clause (a), (b), or (c) in respect of estates, tenures or land held in any one division or district, holds estates, tenures or land in more than one division or district, and if the aggregate amount of the local cess or rent payable on such estates or land, or of the valuation of such tenures, is not less than the amount prescribed for the division or district in which the local cess or rent payable, or the valuation of his tenure or tenures, as the case may be is largest, he shall be qualified as an elector for the constituency in which that division or district is situated, provided that he has a place of residence in any one of such divisions or districts

Special Constituency

The Landholders' Constituency.

5 A person shall be qualified as an elector for the Landholders' constituency who has a place of residence in the province of Bihar and Orissa and is liable to pay annually land revenue or local cess to an aggregate amount of not less than Rs 10,000 and Rs 2,500, respectively

Determination of qualification.

6. In determining any claim to a qualification for a Landholders' constituency—

(a) only such estates or shares of estates as are held by a person as proprietor in his own right and not in a fiduciary capacity and are registered in his own name in registers maintained under the Land Registration Act, 1876, whether such estates are situated in one or more divisions, shall be taken into account, and

(b) if the amount paid by the landholder in respect of any such share of an estate is not definitely known, the District Officer of the district in which such estate is situated shall estimate the amount so paid in respect of such share and his decision shall be final

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PART VII —THE CENTRAL PROVINCES

Definitions.

1 For the purposes of this Part—

(a) "previous year" means the financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules:

(b) "urban area" means a municipality, notified area, cantonment or railway settlement and includes the Government gun-carriage factory estate at Jubbulpore

Land records, etc., to be conclusive evidence.

2. For the purpose of determining any claim to a qualification under this Part, any entry in the land records or in any municipal or cantonment records shall be conclusive evidence of the facts stated therein.

Joint families.

3. Where an estate or mahal, or a share of an estate or mahal, or land is held, or where income-tax is paid, jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists; and, if it does exist, the manager of the family shall be qualified as an elector

Provided that the entry on an electoral roll of a person in his capacity as the manager of a joint family shall not disqualify him as an elector in his individual capacity.

Occupation of building.

4. For the purposes of this Part a person who occupies a house or building other than a house or building in any military or police lines, or part of such a house or building, by virtue of any office, service or employment, shall, if the house or building is not inhabited by the person in whose service or employ he is, be deemed to occupy the house or building as a tenant

Place of residence.

5 A person shall be deemed to have a place of residence in a constituency if he—

(i) has actually dwelt in a house, or part of a house, within the constituency for an aggregate period of not less than 180 days during the calendar year preceding that in which the electoral roll for the time being under preparation is first published under these rules, or

(ii) has maintained within the constituency for an aggregate period of not less than 180 days during that year a house, or part of a house, as a dwelling for himself in charge of his dependants or servants, and has visited such house during that year.

General Constituencies.

Muhammadan and non-Muhammadan Constituencies.

6. A person shall be qualified as an elector for a general constituency who has a place of residence in the constituency and—

(a) owns or occupies as a tenant within an urban area in the constituency a house or building, or part of a house or building, the annual rental value of which is not less—

(i) in the case of a house in the Nagpur Municipality or in the Jubbulpore Municipality or Cantonment, than Rs 240, and

(ii) in the case of a house in any other urban area, than Rs 180:

Provided that, where such house or building or part is held by two or more persons in shares, no person shall be qualified in respect of a share the annual rental value of which is less than Rs. 240 or Rs. 180, as the case may be, or

(b) is a proprietor or thekadar of an estate or mahal, or of a share of an estate or mahal, the land revenue or kamil-jama of which is not less than Rs 300, or

(c) holds, as a proprietor or thekadar in proprietary right sir land or khudkasht or, as a malik-makbuza, raiyat or tenant, agricultural land, the assessed or assessable revenue or rent of which is not less—

(i) in the case of land in the Raipur, Bilaspur, Drug Chanda, Betul and Mandla districts than Rs 90, or

(ii) in the case of land in the Bhandara, Balaghat, Nimar, Chhindwara and Seoni districts, than Rs 120, or

(iii) in the case of land in any other district, than Rs 150, or

(d) was in the previous year assessed to income-tax

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for the Muhammadan constituency, and

(ii) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency

Explanation —For the purposes of clause (c) "tenant" shall not include a sub-tenant or ordinary tenant of sir land

Special Constituency

The Landholders' Constituency.

7 A person shall be qualified as an elector for the Landholders' constituency who has a place of residence in the constituency and who—

(a) is the holder of a hereditary title recognised by Government and holds agricultural land in proprietary right; or

(b) is the owner of an estate as defined in section 2 (3) of the Central Provinces Land Revenue Act, 1917, or

(c) holds land in proprietary right the land revenue or kamil-jama of which is not less than Rs 5,000

Part VIII —ASSAM

Definitions.

1. For the purposes of this Part—

(a) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile,

(b) "previous year" means the financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules.

Joint families.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists, and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family concerned.

Qualifications of electors.

3 A person shall be qualified as an elector for any constituency who has during the previous year resided within the constituency or in the case of any constituency other than the Assam Valley Constituency within the additional area within which the Municipal Board of Shillong exercises jurisdiction by virtue of any notification issued under the Indian (Foreign Jurisdiction) Order in Council, 1902, and who—

(a) was in the previous year assessed in respect of municipal or cantonment rates or taxes to an aggregate amount of not less than Rs 20, or

(b) was in the previous year assessed to a tax of not less than Rs 10 in a union under Chapter III of the Bengal Municipal Act, 1876, or

(c) was in the previous year assessed to a chaukidari tax of not less than Rs 2 under the Village-Chaukidari Act, 1870, in the Sylhet, Cachar or Goalpara district, or

(d) in any district other than those mentioned in clause (c)—

(i) owns land the land revenue upon which has been assessed or is assessable at not less than Rs 45 per annum, or

(ii) is liable to pay a local rate of not less than Rs. 3 per annum; or

(e) was in the previous year assessed to income-tax on an income of not less than Rs. 3,600.

Provided that—

(i) no person shall be qualified as an elector for the Muhammadan constituency who is not a Muhammadan, or for the European constituency who is not a European,

(ii) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency and

(iii) a European shall not be deemed to be disqualified to be an elector for the Assam (European) constituency by reason only of non-residence if he is employed in the constituency and his non-residence is due to absence on leave from such employment.

PART IX.—BURMA.

Definitions.

1. For the purposes of this Part—

(a) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

(b) "previous agricultural year" and "previous financial year" mean respectively the agricultural and financial year preceding that in which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules.

2. A person shall be deemed to have a place of residence in the province of Burma if he—

(a) ordinarily lives in the province, or

(b) maintains in the province a dwelling house ready for occupation and occasionally occupies it.

3. A person shall be qualified as an elector of any constituency who has a place of residence in the province of Burma and who—

(a) has paid during and in respect of the previous agricultural year land revenue amounting to not less than—

(i) Rs. 150 in Lower Burma, or

(ii) Rs. 100 in Upper Burma; or

(b) has paid during and in respect of the previous agricultural year thathameda-tax amounting to not less than Rs. 25; or

(c) was in the previous financial year assessed to income-tax:

Provided that—

(i) no person shall be qualified as an elector for the European constituency who is not a European, and

(ii) no European shall be qualified as an elector for the non-European constituency.

Part X.—DELHI.

Definitions.

1. For the purposes of this Part—

(a) "annual rental value" in relation to immoveable property means the amount for which such property, together with its appurtenances and furniture, if any, is actually let or may reasonably be expected to let from year to year;

(b) "date of publication of the electoral roll" means the date on which the electoral roll or the list of amendments thereto as the case may be for the time being under preparation is first published under these rules;

(c) "land revenue" means—

(i) in the territory mentioned in Schedule I to the Delhi Laws Act, 1915, revenue as defined in section 4 (7) of the United Provinces Land Revenue Act, 1901;

(ii) in the rest of the province land revenue as defined in section 3 (6) of the Punjab Land Revenue Act, 1887:

Provided that in the case of fluctuating land revenue or land revenue assessed on land subject to river action, land revenue shall mean the average amount of such land revenue paid during the three years preceding the date of publication of the electoral roll;

(d) "owner" does not include a mortgagee;

(e) "the land records" means an attested record of rights or an attested annual record of rights maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and includes an order finally sanctioning a mutation duly passed under that Chapter

Presumption as to title.

2 For the purposes of this Part, a person may be presumed to reside in a constituency if he owns a residential house, or a share in a residential house in the constituency, and that house has not during the twelve months preceding the date of publication of the electoral roll been let on rent either in whole or in part.

Land records, etc., to be conclusive evidence.

3 For the purpose of determining a claim to a qualification under this Part any entry in the land records or in any municipal or cantonment records shall be conclusive evidence of the facts stated therein.

Co-sharers.

4. Where two or more persons are co-sharers in land assessed to land revenue or in other immoveable property or in a tenancy or lease of land assessed to land revenue or in the receipt of assigned land revenue, every such person shall be qualified as an elector who would be so qualified if his share in such land, property, tenancy, lease or assignment were held separately.

Explanation.—For the purposes of this paragraph the share of any such person who is under twenty-one years of age shall be deemed to be the share of his father or, if his father is dead, of his eldest brother, provided that his father or eldest brother, as the case may be, is a co-sharer with him in the property.

5 A person shall be qualified as an elector for the constituency who resides in the constituency and who— The Constituency.

(a) has owned in the constituency for the twelve months preceding the date of the publication of the electoral roll immoveable property, not being land assessed to land revenue but including any building erected on such land of the value of not less than Rs. 15,000 or of an annual rental value of not less than Rs. 336, or has been tenant of such immoveable property for a like period

Provided that a person shall be deemed to have owned such property for any period during which it was owned by any person through whom he derives title by inheritance, or

(b) is the owner of land in the constituency assessed to land revenue of not less than Rs 100 per annum; or

(c) is an assignee of land revenue amounting to not less than Rs 100 per annum; or

(d) is a tenant or lessee, under the terms of a lease for a period of not less than three years of Crown land in the constituency for which rent of not less than Rs 100 per annum is payable·

Provided that, when the amount payable is assessed from harvest to harvest, the annual rent payable by such person shall be deemed to be the annual average amount payable by him in the three years preceding the date of publication of the electoral roll; or

(e) was during the financial year preceding the date of publication of the electoral roll assessed to income-tax on an income of not less than Rs 5,000

Explanation—For the purposes of clause (a) any person who occupies a house, other than a house in any military or police lines by virtue of any office, service or employment shall, if the house is not inhabited by the person in whose service or employment he is, be deemed to occupy the house as a tenant.

PART XI —AJMER-MERWARA.

1 For the purposes of this Part— Definitions.

(a) "annual rental value" in relation to immoveable property means the amount for which such property, together with its appurtenances and furniture, if any, is actually let or may reasonably be expected to let from year to year;

(b) "date of publication of the electoral roll" means the date on which the electoral roll for the time being under preparation is first published under these rules;

(c) "land revenue" means the land revenue assessed under the Ajmer Land and Revenue Regulation, 1877, and the rules made thereunder:

Provided that—

(i) in the case of variably assessed villages, the annual land revenue shall be deemed to be the average amount of land revenue for the last three years preceding the date of publication of the electoral roll, and

(ii) water revenue shall count as land revenue and annual water revenue shall be deemed to be the average amount of water revenue for the last three years preceding the date of publication of the electoral roll;

(d) "owner" does not include a mortgagee, trustee or lessee;

(e) "the land records" means records maintained under the Ajmer Land and Revenue Regulation, 1877, and the rules made thereunder; and

(f) "municipal record" means any record prepared under the provisions of any law for the time being in force in Ajmer-Merwara relating to the administration of municipalities or cantonments

Presumption as to titles

2 For the purposes of this Part a person may be presumed to reside in a constituency if he owns or holds on lease a residential house or a share in a residential house in the constituency and that house has not, during the twelve months preceding the date of publication of the electoral roll, been let or sublet by him on rent either in whole or in part.

Land records, etc., to be conclusive evidence.

3. For the purpose of determining a claim to a qualification under this Part any entry in the land records or in any municipal record shall be conclusive evidence of the facts stated therein

Co-sharers

4 Where two or more persons are co-sharers in land assessed to land revenue or in other immoveable property or in a tenancy or lease of land assessed to land revenue or in the receipt of assigned land revenue, every such person shall be qualified as an elector who would be so qualified if his share in such land, property, tenancy, lease or assignment were held separately.

Explanation.—For the purpose of this paragraph the share of any such person who is under twenty-one years of age shall be deemed to be the share of his father or, if his father is dead, of his eldest brother, provided that his father or eldest brother, as the case may be, is a co-sharer with him in the property.

The Constituency.

5. A person shall be qualified as an elector for the constituency who resides in the constituency and who—

(a) has owned in the constituency for the twelve months preceding the date of the publication of the electoral roll immoveable property, not being land assessed to land revenue or granted free of land revenue, but including any building erected on such land, of the value of not less than five thousand rupees or of an annual rental of not less than three hundred rupees, or

has been tenant of such immoveable property for a like period.

Provided that a person shall be deemed to have owned such property for any period during which it was owned by any person through whom he derives title by inheritance, or

(*b*) is the owner of land in the constituency assessed to land revenue of not less than one hundred and fifty rupees per annum; or

(*c*) is the assignee of land revenue amounting to not less than one hundred and fifty rupees per annum, or

(*d*) pays rent of not less than two hundred rupees per annum as an ex proprietary tenant of agricultural land, or

(*e*) pays rent of not less than three hundred rupees per annum as a tenant, otherwise than in ex-proprietary right, of agricultural land of which he has been such tenant during the three years preceding the date of publication of the electoral roll, or

(*f*) was assessed to income-tax during the financial year preceding the date of publication of the electoral roll.

PART XII —NORTH WEST FRONTIER PROVINCE.

1 For the purposes of this Part— **Definitions**

(*a*) "annual rental value" in relation to immoveable property means the amount for which such property, together with its appurtenances and furniture, if any, is actually let or may reasonably be expected to let from year to year,

(*b*) "date of publication of the electoral roll" means the date on which the electoral roll or the list of amendments hereto, as the case may be, for the time being under preparation is first published under these rules;

(*c*) "land revenue" means land revenue as defined in section 3 (6) of the Punjab Land Revenue Act, 1887, as in force in the North-West Frontier Province and, in the case of fluctuating land revenue or land revenue assessed on lands subject to river action, the average amount of such land revenue paid during the three years preceding the date of publication of the electoral roll;

(*d*) "owner" does not include a mortgagee;

(*e*) "the land records" means an attested record of rights or an attested annual record of rights maintained under Chapter IV of the Punjab Land Revenue Act, 1887, as in force in the North-West Frontier Province and includes an order finally sanctioning a mutation duly passed under that Chapter.

Presumption as to title.

2 For the purposes of this Part, a person may be presumed to reside in a constituency if he owns a family dwelling-house or a share in a family dwelling-house in the constituency, and that house has not during the twelve months preceding the date of publication of the electoral roll been let on rent either in whole or in part.

Land records, etc., to be conclusive evidence.

3 For the purpose of determining a claim to a qualification under this Part any entry in the land records or in any municipal or cantonment records shall be conclusive evidence of the facts stated therein

Co-sharers.

4 Where two or more persons are co-sharers in land assessed to land revenue or in other immoveable property or in a tenancy or lease of land assessed to land revenue or in the receipt of assigned land revenue, every such person shall be qualified as an elector who would be so qualified if his share in such land, property, tenancy, lease or assignment were held separately

Explanation —For the purposes of this paragraph the share of any such person who is under twenty-one years of age shall be deemed to be the share of his father or, if his father is dead, of his eldest brother, provided that his father or eldest brother, as the case may be, is a co-sharer with him in the property.

General Constituencies.

The Constituency

5 A person shall be qualified as an elector for the constituency who resides in the constituency and who—

(a) has owned for the twelve months preceding the date of the publication of the electoral roll immoveable property, not being land assessed to land revenue but including any building erected on such land, of the value of not less than Rs 15,000 or of an annual rental value of not less than Rs 336 provided that a person shall be deemed to have owned such property for any period during which it was owned by any person through whom he derives title by inheritance, or

(b) is the owner of land assessed to land revenue of not less than Rs 100 per annum; or

(c) is an assignee of land revenue amounting to not less than Rs. 100 per annum; or

(d) is a tenant or lessee, under the terms of a lease for a period of not less than three years, of Crown land for which rent of not less than Rs 100 per annum is payable: provided that, when the amount payable is assessed from harvest to harvest, the annual rent payable by such person shall be deemed to be the annual average amount payable by him in the three years preceding the date of publication of the electoral roll; or

(e) was during the financial year preceding the date of publication of the electoral roll assessed to income-tax on an income of not less than Rs. 5,000.

SCHEDULE III.

(See rule 11)

Form of Nomination Paper.

NOMINATION PAPER

Name of the Constituency for which the candidate is nominated	....
Name of candidate	....
Father's Name	....
Age	....
Address	....
†Denomination *(state whether non-Muhammadan, Muhammadan, Sikh or European)* ..	....
Constituency on the electoral roll of which the Candidate is registered as an elector ..	....
*No of the candidate in the electoral roll of the constituency in which he is registered as an elector	....
Name of proposer	....
*No of the proposer in the electoral roll of the constituency	....
Signature of the proposer	....
Name of the seconder	....
*No of the seconder in the electoral roll of the constituency	....
Signature of the seconder	....

Declaration by Candidate

I hereby declare that I agree to this nomination.

Date.. . . .. Signature of Candidate..................

(To be filled in by the Returning Officer or other authorised person.)

Certificate of Delivery.

This nomination paper was delivered to me at my office at (date and hour.....................................). Serial Number.

....

Returning Officer or other authorised person.

---

†Not to be entered in case of special constituency.

*Where the electoral roll is sub-divided and separate serial numbers are assigned to the electors entered in each sub-division, a description of the sub-division in which the name of the person concerned is entered must also be given here.

Certificate of Scrutiny.

I have scrutinized the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination

. ...

Returning Officer or other authorised person.

(*N B*—This nomination paper will not be valid unless it is delivered to the Returning Officer, or other person authorised to receive it, at his office before 3 P M. on. .. . ..193 .)

SCHEDULE IV.

(See rule 19.)

Return of Election Expenses.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

(a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger,

(c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent) clerks or messengers,

(d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling

(e) the cost whether paid or incurred of—

(i) printing,

(ii) advertising,

(iii) stationery,

(iv) postage,

(v) telegrams, and

(vi) rooms hired either for public meetings or as committee rooms,

(f) any other miscellaneous expenses whether paid or incurred

NOTE —(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other person, or remaining unpaid on the date of the return are to be set out

(2) For all items of Rs 5 and over unless from the nature of the case (e g, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3 The form of the declarations referred to in rule 19 shall be as follows:—

Form of Declaration by Election Agent.

I, , being the appointed election agent for , a candidate for election in the constituency do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, or for the purposes of, 's candidature.

Election Agent.

Solemnly affirmed before me.

(Magistrate.)

Form of Declaration by Candidate.

I, , being a candidate for election in the constituency do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, or for the purposes of, my candidature

(Candidate.)

Solemnly affirmed before me.

(Magistrate)

Special form of Declaration by a Candidate under rule 19, sub-rule (4).

I, , being a candidate for election in the constituency do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief, and that (with the exceptions noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge and belief been incurred in or for the purposes of my candidature.

Particulars of Exceptions.

....

....

(Candidate.)

Solemnly affirmed before me.

....

(Magistrate.)

SCHEDULE V.

(See rules 5, 7, 22, 33, 44 and 47.)

The following shall be deemed to be corrupt practices for the purposes of these rules:—

PART I.

Bribery. 1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(b) an elector to vote or refrain from voting at an election,

or as a reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature, or

(b) an elector for having voted or refrained from voting

Explanation.—For the purpose of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules

Undue influence 2. Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent with the free exercise of any electoral right

Explanation.—Without prejudice to the generality of the provisions of this clause, any such person as is referred to herein who—

(a) threatens any candidate or voter or any person in whom a candidate or voter is interested, with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of this clause

(2) A declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause

Personation. 3 The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election

Publication of false statements.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice the prospects of such candidate's election

Authorisation of expenditure.

5 The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of any notification of the Governor General in Council issued under rule 20 of these rules.

PART II.

Acts under Part I.

1. Any Act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

Personation

2 The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Bribery.

3 The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—

(a) by a person to stand or not to stand as, or to withdraw from being a candidate, or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

Payment for conveyance.

4 Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and use of public conveyances

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

Incurring expense without authority.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

Hiring of liquor shops.

7. The hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circulars, etc., without printer's and publisher's name printed thereon.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

PART II.

LOCAL ELECTORAL REGULATIONS AS ADAPTED.

1.—Madras.

LEGISLATIVE ASSEMBLY (MADRAS) ELECTORAL REGULATIONS (LEGISLATIVE DEPARTMENT NOTIFICATION No. F.-26-I/26-A., DATED THE 8TH FEBRUARY, 1926, AS AMENDED BY NOTIFICATIONS No. F -26-I/26-A.-II, DATED THE 23RD FEBRUARY, 1926, AND No. F -26-V/26-A., DATED THE 6TH MAY, 1926)

Regulations for the preparation of electoral roll for the constituencies of the Legislative Assembly in the Presidency of Madras.

SECTION I.

1 These regulations shall apply to the preparation of electoral rolls for all constituencies except the European, Landholders and Indian Commerce constituencies.

2 There shall be a separate roll for each constituency The electoral roll for each constituency shall contain the following particulars, *viz.*, the elector's name, father's or karnavan's or husband's name, address, and qualification. It shall be maintained in Form I annexed and shall be divided into parts for each registration area comprised in the constituency and each part shall be divided into sections for each polling area within the registration area Each polling area in a registration area shall be separately numbered and the electors in each polling area shall be numbered in one series The villages in each rural polling area shall be arranged alphabetically and the names in each village shall be arranged alphabetically In municipal areas, the electors shall be arranged alphabetically for each polling area

3 Each electoral roll shall be kept in the vernacular of the district, provided that the Local Government may direct that any particular roll or part of a roll may be kept in any language or languages.

4 (a) The City of Madras, each mufassal municipality and each revenue division of a district, excluding the municipal areas in such division, shall be a separate registration area

(b) The Commissioner of the Corporation of Madras for the City of Madras, the Executive authority of the Municipal Council for each mufassal municipality and the Revenue Divisional Officer for each revenue division shall be the registration officers

Provided that any of the powers and duties of the registration officer may be performed and exercised by any deputy for the time being approved by the Local Government and the provisions of these regu-

lations shall, in respect of the powers and duties to be exercised and performed by him, apply to such deputy so far as they apply to the registration officer.

5 Each registration area shall be divided into separate polling areas. Subject to any general or special instructions which the Local Government may issue, the polling areas shall be determined by the Commissioner of the Corporation of Madras in the City of Madras, by the Executive authorities of Municipal Councils in mufassal municipalities and by the Revenue Divisional Officers in other areas:

Provided that the polling area shall be so arranged as to give all electors such reasonable facilities for voting as are practicable in the circumstances and provided also that different polling areas may be prescribed for different constituencies in the same registration area.

6 (*a*) It shall be the duty of the registration officer to cause inquiry to be made and to prepare, or cause to be prepared, lists of all persons, within his registration area appearing to be entitled to be registered as electors in the roll for each constituency. The lists shall be prepared in the form prescribed for the roll and shall also contain particulars of the amount of tax assessed, annual value of house occupied or annual rent value of land held. The names of female electors shall be printed in italics or distinguished by means of the letter 'F'.

(*b*) The preliminary rolls shall be prepared from these lists and published by posting them in the office of the registration officer not later than the date fixed by the Local Government in this behalf Where the preliminary rolls contain no names, the registration officer shall publish a *nil* list.

(*c*) With the preliminary roll the registration officer shall publish notices in Form II specifying the mode in which and the time within which claims and objections are to be preferred and the date on which, and the place at which the revising authority will begin to sit for their disposal. The date fixed for the sitting of the revising authority shall not be later than the date fixed by the Local Government in this behalf.

7. (*a*) As soon as may be after such publication, copies of the rolls with the notices referred to in clause (*c*) of regulation 6 shall be issued as a supplement to the District Gazette.

(*b*) Copies of the parts of the preliminary roll relating to each registration area shall be made available for inspection and sale in the case of municipal areas in the municipal office and in the case of other areas in the offices of the Revenue Divisional Officers, the Tahsildars and Deputy Tahsildars concerned; and in rural areas a copy of the part of the section relating to each village shall also be posted in the village chavadi or other conspicuous place in the village, with a notice in Form II.

8. The registration officer may—

(1) if the time prescribed by the Local Government for the publication of the preliminary roll has not expired, within the time so fixed, or

(2) if such time has already expired, within such further time as may be prescribed by the Local Government, publish a revised preliminary roll in supersession of the roll already published or any part thereof or a list of additions and corrections thereto, in the manner prescribed by the foregoing regulations

Claims and Objections

9 (*a*) Any person who claims to be entitled to be registered as an elector and who is not entered or is entered in an incorrect place or manner or with incorrect particulars on the preliminary roll and any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person whose name is on the roll may prefer a claim or an objection to the revising authority Such claim or objection shall be sent in Form III or IV as the case may be to the registration officer so as to reach him on or before the date fixed by the Local Government in this behalf.

(*b*) Claims and objections may be preferred in person or sent by post.

(*c*) Claims and objections received after the prescribed date shall be rejected.

10 The registration officer may of his own motion remove from the rolls the names of persons whom he has reason to believe to be dead and also correct purely clerical or accidental mistakes and no other

11. The registration officer shall, not later than the date fixed by the Local Government in this behalf,—

(*a*) post in his own office and in the offices of Tahsildars and Deputy Tahsildars concerned lists of all claims and objections received in time and of corrections made by him of his own motion in Form V, and

(*b*) send a copy of every notice of objection to the person to whose registration objection has been taken and wherever possible give intimation to the person concerned of the correction made by him of his own motion

In the lists referred to in clause (*a*) and in the copy and intimation sent under clause (*b*), the registration officer shall give notice that the claims, objections and corrections will be taken into consideration by the revising authority at a place and on a date to be specified therein

Revising Authority

12. For each registration area, there shall be constituted a revising authority consisting of the registration officer as chairman and two

non-official gentlemen to be nominated by the Mayor in the City of Madras and by the Collector of the district in the mufassal.

13. The revising authority shall sit in open office on the day fixed and from day to day until all the claims and objections are disposed of. They shall make such inquiry as they think fit in regard to each claim or objection and pass orders in writing thereon with reasons if a claim is rejected or an objection contested; they shall also pass final orders on the lists of corrections made by the registration officers of their own motion. If any member of the revising authority is unable to attend a sitting, the Mayor or the Collector, as the case may be, shall immediately nominate another person for such sitting In case of a difference of opinion among the members the opinion of the majority shall prevail.

Final Publication of Roll.

14. The registration officer shall correct the rolls in accordance with the orders of the revising authority and the final rolls shall be published by posting them in the office of the registration officer not later than the date fixed by the Local Government in this behalf. If it is more convenient the preliminary rolls together with the lists of additions and corrections may be published as the final rolls. As soon as may be after such publication the list of additions and corrections or, if it is more convenient the entire roll as revised shall also be issued as a supplement to the District Gazette and copies of the parts of the lists or of the roll relating to each registration area shall also be made available for inspection, and posted in villages, in the manner prescribed in regulation 7.

15. Two copies of the roll or part of the roll relating to his registration area shall be signed by each registration officer. One of them shall be kept in his office and the other forwarded to the returning officer for the constituency.

16. The returning officer shall combine the separate parts of each roll and form a complete roll for each constituency

General.

17. Copies of the final roll (or of the preliminary roll with the lists of additions and corrections) relating to each registration area shall be made available for inspection and sale in the office of the registration officer. Complete sets of the final roll (or of the preliminary roll with the lists of additions and corrections) for the several registration areas shall be kept in the office of the returning officer for inspection and sale and for supply to the presiding officers at the polls.

18. The registration officer shall supply forms of claims and of notices of objection free on the application of any person.

19. Any notice which is required to be sent by the registration officer under these regulations to any person shall be sufficiently sent, if sent by post, to the address of that person as given by him for the purpose, or as appearing on the roll, or if there is no such address, to his last known place of abode

20 On the consideration of any claim or objection or other matter by the revising authority any person appearing to be interested therein may appear and be heard either in person or by duly authorized agent

21. The Local Government shall have power in their discretion to postpone from time to time any of the dates fixed by them under this section of these regulations.

FORM I.

Electoral roll for constituency.

Part—Registration area

Section—Polling area No. Polling station*—

(1) Serial number.

(2) Name.

(3) Father's or karnavan's or husband's name

(4) Address (village or street and door number)

(5) Head of qualification

FORM II.

Name of constituency—

The preliminary roll of electors for the registration area is herewith published for general information

Any person who claims to be entered in this roll and who is not entered in it or is entered in an incorrect place or manner or with incorrect particulars may put in a claim to the registration officer to have his name entered, or the registry corrected

Any person whose name is on this roll and who objects to the correctness of the entry or to the inclusion of his own name or of the name of any other person whose name is on the roll may prefer an objection to the revising authority

Claims shall be preferred in Form III and objections in Form IV appended to this notice Copies of the forms will be supplied free by the registration officer on application

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* The polling station mentioned here is only provisional and is liable to be changed by the Returning Officer

Claims and objections may be presented to the registration officer at any time during office hours or sent by post but must reach him on or before....................

Claims and objections which are not preferred in proper form or are not received by the date prescribed will be rejected.

All claims and objections received in time and in proper form will be heard by the revising authority at (place) on (date)

Date *Registration Officer.*

Form III.

Notice of claim for $\frac{\textit{correction of registry.}}{\textit{registration.}}$

To

The Revising Authority of registration area.

Sir,

I hereby give you notice that I claim to have $\frac{\text{the registry of my name}}{\text{my name}}$ $\frac{\text{corrected}}{\text{entered}}$ in the roll of electors for the constituency of as follows:—

Name in full of claimant and father's or karnavan's or husband's name. (1)	Address (village, or street and door number). (2)	Head of qualification with the amount of tax assessed, annual value of house occupied or annual rent value of land held. (3)

I declare that I am a British subject, that I attained the age of 21 years on ....and that I have resided for the qualifying period within the constituency.

Date *Signature of claimant.*

FORM IV.

Notice of objection to registration.

To

The Revising Authority of
registration area.

I hereby give you notice that I object to the name of the person mentioned and described below being retained in the electoral roll for the polling area of . in the registration area of for the constituency of

Name of person objected to (1)	Number in preliminary roll. (2)	Nature of objection. (3)

Date *Signature of objector.*

Address.

Polling area and number in preliminary roll.

FORM V.

List of claims and objections.

(a) The following persons have put in claims to be registered as electors (or to have the registry of their names corrected) on the roll for the constituency of

Polling area. (1)	Name of claimant. (2)	Address. (3)	Head of qualification. (4)

(*b*) The following objections have been received regarding entries in the roll for the constituency of

Polling area. (1)	Name of objector and number on roll. (2)	Name of person objected to and number on roll. (3)

(*c*) The following corrections have been made by the registration officer of his own motion in the roll for the constituency of

Polling area. (1)	Number on roll. (2)	Nature of correction. (3)

The above claims and objections will be heard and corrections considered by the revising authority on (date) at (place)

Date *Registration Officer.*

SECTION II.

European, Landholders' and Indian Commerce Constituencies

1. These regulations shall apply to the preparation of electoral rolls for the European, Landholders' and Indian Commerce Constituencies.

2. There shall be a separate roll for each constituency. The electoral roll for each constituency shall contain the following particulars, *viz.*, the elector's name, father's or karnavan's or husband's name and address. It shall be maintained in Form I annexed and shall be divided into parts for each registration area comprised in the constituency and each part shall be divided into sections for each polling area within the registration area. Each polling area in a registration area shall be separately numbered and the names of the electors in each polling area shall be arranged alphabetically and numbered in one series

3. The roll shall be kept in English

4. Each district included in a constituency shall be a separate [illegible] Each [illegible] 'ollector [illegible] r more polling areas.

Provided that any of the powers and duties of the registration officer may be performed and exercised by any deputy for the time being approved by the Local Government and the provisions of these regulations shall, in respect of the powers and duties to be exercised and performed by him, apply to such deputy so far as they apply to the registration officer.

5. (*a*) It shall be the duty of the registration officer to cause inquiry to be made and to prepare, or cause to be prepared, lists of all persons within his registration area appearing to be entitled to be registered as electors in the roll for the constituency The lists shall be prepared in the form prescribed for the roll and shall as regards landholders' constituencies also contain particulars of the amount of annual income, malikhana allowance or assessment as the case may be and as regards the European and the Indian Commerce constituencies of the amount of tax assessed, annual value of house occupied or annual rent value of land held in the case of property qualification The names of female electors shall be printed in italics or distinguished by means of the letter 'F'

(*b*) The preliminary rolls shall be prepared from these lists and published by posting them in the office of the registration officer not later than the date fixed by the Local Government in this behalf. When the preliminary rolls contain no names, the registration officer shall publish a *nil* list

(*c*) With the preliminary roll the registration officer shall publish notices in Form II specifying the time within which claims and objections are to be preferred and the date on which, and the place at which the revising authority will begin to sit for their disposal. The date fixed for the sitting of the revising authority shall not be later than the date fixed by the Local Government in this behalf

6. (*a*) As soon as may be after such publication, copies of the rolls with the notices referred to in clause (*c*) of Regulation 5 shall be issued as a supplement to the District Gazette.

(b) Copies of the parts of the preliminary roll relating to each registration area shall be made available for inspection and sale in the office of the registration officer Complete sets of the rolls of the several registration areas shall be kept in the office of the returning officer for inspection and sale

Claims and Objections.

7. The registration officer may—

(1) if the time prescribed by the Local Government for the publication of the preliminary rolls has not expired, within the time so prescribed,

(2) if such time has already expired within such further time as may be prescribed by the Local Government

publish a revised preliminary roll in supersession of the roll already published or any part thereof or a list of additions and corrections thereto, in the manner prescribed by the foregoing regulations.

8 (a) Any person who claims to be entitled to be registered as an elector and who is not entered or is entered in an incorrect place or manner or with incorrect particulars, on the preliminary roll, and any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person whose name is on the roll may prefer a claim or an objection to the revising authority. Such claim or objection shall be sent to the registration officer so as to reach him on or before the date fixed by the Local Government in this behalf and shall contain full particulars of the grounds of claim or objection as the case may be.

(b) Claims and objections may be preferred in person or sent by post

(c) Claims and objections received after the prescribed date shall be rejected

9 The registration officer may of his own motion remove from the lists the names of persons whom he has reason to believe to be dead and may correct purely clerical or accidental mistakes and no other.

10 The registration officer shall, not later than the date fixed by the Local Government in this behalf,—

(a) publish lists of all claims and objections received in time and of corrections made by him of his own motion in Form III in his office, and

(b) send a copy of every notice of objection to the person to whose registration objection has been taken and whenever possible give intimation to the person concerned of the correction made by him of his own motion

In the lists referred to in clause (a) and in the copy and intimation sent under clause (b), the registration officer shall give notice that the claims, objections and corrections will be taken into consideration by the revising authority at a place and on a date to be specified therein.

Revising Authority.

11. For each registration area, the revising authority shall be the Collector of the district He shall sit in open office on the day fixed and from day to day until all the claims and objections are disposed of He shall make such enquiry as he thinks fit in regard to each claim or objection and pass orders in writing thereon with reasons if a claim is rejected or an objection contested Final orders shall also be passed on the list of corrections made by the registration officer of his own motion

Final Publication of Roll

12 The registration officer shall correct the rolls in accordance with the orders of the revising authority

13 Two copies of the final roll relating to his registration area shall be signed by each registration officer. One of them shall be kept in his office and the other forwarded to the returning officer

In Section II of the Regulations for the preparation of electoral rolls for the constituencies of the L/B in the Presidency of Madras, after Regulation 18 the following shall be added

14 The returning officer shall combine the rolls of the several registration areas and form a complete roll for the constituency He shall then publish the complete roll as a supplement to the Fort St George Gazette, not later than the date fixed by the Local Government in this behalf

15. Copies of the complete roll (or of the preliminary roll with the lists of additions and corrections) shall be made available for inspection in the offices of the returning and registration officers Complete sets of the rolls (or of the preliminary rolls with the lists of additions and corrections) for the several registration areas shall be kept in the office of the returning officer for inspection and sale.

16 Any notice which is required to be sent by the registration officer under these regulations to any person shall be sufficiently sent if sent by post to the address of that person as given by him for the purpose, or as appearing on the roll, or, if there is no such address, to his last known place of abode.

17 On the consideration of any claim or objection or other matter by the revising authority, any person claiming to be interested therein may appear and be heard either in person or by duly authorised agent

18 The Local Government shall have power in their discretion to postpone from time to time any of the dates fixed by them under this section of these regulations

19 In this section, the expression "Collector" and "Collector of the District" shall in the case of the City of Madras mean the "Revenue Divisional Officer, Madras"

FORM I.

Electoral roll for European / Landholders' / Indian Commerce consituency Number

Part—Registration area.

Section--Polling area No.

Polling station *

(1) Serial number

(2) Name.

(3) Father's or karnavan's or husband's name.

(4) Address

(5) Head of qualification

* The polling station mentioned here is only provisional and is liable to be changed by the Returning Officer

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FORM II

Name of Constituency.

The preliminary electoral roll of electors for the. .... . registration area is herewith published for general information

Any person who claims to be entered in this roll and who is not entered in it or is entered in an incorrect place or manner or with incorrect particulars may put in a claim to the revising authority to have his name entered or the entry corrected

Any person whose name is on this roll, and who objects to the inclusion of his own name or of the name of any other person whose name is on the roll may prefer an objection to the revising authority.

Claims and objections should contain full particulars of the claim or objection as the case may be

Claims and objections may be presented to the Registration Officer at any time during office hours or sent by post, but must reach him on or before ?

Claims and objections which are not received before the time prescribed will be rejected.

All claims and objections received in time will be heard by the revising authority at (place) on (date)

Date *Registration Officer.*

FORM III.

List of Claims and Objections.

(a) The following persons have put in claims to be registered as electors (or to have the registry of their names corrected) on the roll for European / Landholders' / Indian Commerce constituency:—

Polling area. (1)	Name of claimant (2)	Address. (3)	Head of qualification. (4)

(b) The following objections have been received regarding entries in the roll for European / Landholders' / Indian Commerce constituency:—

Polling area. (1)	Name of objector and number on roll. (2)	Name of person objected to and number on roll. (3)

(c) The following corrections have been made by the Registration Officer of his own motion in the roll for European / Landholders' / Indian Commerce constituency:—

Polling area. (1)	Number on roll (2)	Nature of correction. (3)

The above claims and objections will be heard and corrections considered by the revising authority on at

Date *Registration Officer.*

Regulations for amendment of or for correction of entries in the Electoral rolls for the constituencies of the Legislative Assembly in the Madras Presidency.

1 The authority to whom an application under rule 9 (6) shall be made shall be, in respect of general constituencies except the European constituency, the Commissioner of the Corporation in the City of Madras and the Collector of the district elsewhere; in respect of the European, Landholders' and Indian Commerce constituencies, the Revenue Divisional Officer, Madras in the City of Madras and the Collector of the District elsewhere

2 If the application is one for the preparation of a list of amendments to an electoral roll, the authority prescribed under Regulation (1) above shall report the matter to the Local Government and the Local Government shall address the Government of India for the issue of a notification by the *Governor-General in Council* in the Gazette of India directing the preparation of such a list

3 [illegible]
tions [illegible]
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under Regulation (1) above shall himself be deemed to be the revising authority.

4 Where an application under rule 9 (6) is for the correction of an existing entry in the electoral roll, the authority to whom such an application has been presented may himself dispose of such application without reporting the matter to the Local Government.

5. The said authority shall make in respect of such application such inquiry as he shall deem fit.

6. An application for an amendment not involving the addition of names to or the deletion of names from an electoral roll shall be deemed to be an application for the correction of an existing entry in the electoral roll.

Regulations for the conduct of elections for the constituencies of the Legislative Assembly in the Presidency of Madras.

Returning Officers.

1. The Returning Officers for the constituencies mentioned in the first column of the Schedule hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof.

2. (1) The persons specified in the third column of the said Schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof

Provided that no such person shall *perform any of the functions of* a Returning Officer which relate to the acceptance of a nomination paper or of a paper withdrawing candidature or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by the person first specified in the corresponding entry in the third column of the Schedule

(2) References to the Returning Officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorized to *perform under sub-regulation* (1)

Nomination of Candidates.

3. On the issue of a notification by the Governor General calling upon a constituency to elect a member, it shall be the duty of the Returning Officer to give public notice of the intended election in Form No. I appended in such language or languages as he thinks fit Such notice shall be published on the notice board of the office of the Returning Officer, and in such other manner in the constituency as the Returning Officer may think fit It shall also be published in the Fort St George Gazette in the case of elections for the Madras City constituency and in the District Gazette concerned, including the village sheet, for general constituencies except the Madras City and the European constituencies In the case of all general constituencies, except the European constituency, such notice shall also be posted in the Municipal office and in the office of each Collector, Divisional Officer, Tahsildar, Deputy Tahsildar and Sub-Magistrate situated within the constituency.

4. Printed copies of the *nomination form in Schedule III* of the Legislative Assembly Electoral Rules with the following form of declaration printed on its back, *viz.*—

"I (A B), the candidate nominated on the reverse $\frac{\text{have appointed}}{\text{do hereby appoint}}$ (C. D. address) to be my election agent" shall on application be supplied to any elector of the constituency at the office of the Returning Officer thereof

5 On the presentation of a nomination paper, the Returning Officer may require the person or persons presenting the same to produce a copy of the electoral roll on which the candidate, and his proposer and seconder are registered or of the necessary entries therein and shall satisfy himself that the name and number on the electoral roll of the candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the electoral roll Where necessary he shall direct that the former be amended so as to be in accordance with the latter.

Scrutiny of Nominations

6 On the date appointed by the Local Government for the scrutiny of nominations under sub-rule (2) of rule 11, the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, and except for the purpose of assisting the Returning Officer, no other person may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

7 (1) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:—

(i) that the candidate is ineligible for election under rule 5 or rule 6;

(ii) that a proposer or seconder is a person whose name is not registered on the electoral roll of the constituency or is subject to any disability stated in rule 7;

(iii) that there has been any failure on the part of the candidate or his proposer or seconder to comply with any of the provisions of rule 11 or rule 12.

(2) For the purposes of this regulation—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case

may be, that the proposer or seconder is a person whose name is not registered on the electoral roll of the constituency or is subject to any disability stated in rule 7, and

(b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii) or clause (iii) of sub-regulation (1) shall be deemed to authorize the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

8. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed.

9 On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of persons whose nominations have not been rejected and who have not withdrawn their candidature and cause it to be affixed in some conspicuous place in his office.

10 If the number of such persons is greater than the number of vacancies, the Returning Officer shall forthwith publish in the manner prescribed in regulation 3 a list in Form II of the names in alphabetical order of the candidates as given in the nomination paper The alphabetical order is to be determined with reference to the order of the surnames (*i e.*, names proper) of the candidates

Voting in Person

11 Regulations 12 to 33 shall not apply to the following constituencies, *viz.* —

(a) Madras European;

(b) Madras Landholders,

(c) Madras Indian Commerce.

but shall apply to all other constituencies.

12 The poll shall commence at 7 A M and be kept open till 6 P M It may be closed for an hour between these limits at the discretion of the Returning Officer

13 The Returning Officer may, for sufficient cause and with the previous consent of the Local Government, postpone the date or extend the period fixed, for polling.

14. The Returning Officer shall appoint one polling station for each polling area in each constituency and shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary

15 The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers, the candidates, and one agent any one time of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate,

(b) the police or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

16 Subject to the provisions of regulation 29 *infra* no elector shall be admitted to vote except at the polling station appointed under regulation 14 for the polling area under which his name appears on the electoral roll.

17. (1) The presiding officer shall close the polling station at the hour appointed for closing under regulations 12 and 13, so as to prevent the admission thereto of any elector after that hour

(2) No ballot paper shall be issued after that hour but any elector who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

18 Each polling station shall be furnished with such number of compartments in which electors can record their votes screened from observation, as the Returning Officer thinks necessary. As far as possible, separate compartments and separate entrances and exits shall be provided for women electors

19. The Returning Officer shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot boxes as may be necessary, and copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at such station.

20. (1) Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. The presiding officer at any polling station immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such section, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

(2) Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district.

21. (1) Every ballot paper shall be in Form III and shall have a counterfoil attached to it which shall be in Form III-A. The ballot paper shall have the names of the candidates in the order in which they appear in Form II. If there are two candidates whose names are the same, they shall be distinguished by the addition of their occupation or in some other way. Ballot papers shall be printed in such language or languages as the Returning Officer may consider necessary

(2) The ballot papers printed in each language shall be serially numbered the serial number being printed on the face of the counterfoil and on the back of the ballot paper

22 Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector as stated in the electoral roll shall be called out, and the number and name of the elector shall be entered on the counterfoil The presiding officer shall then detach the ballot paper from the counterfoil, initial it on its back and deliver it to the elector, and a mark shall be placed on a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station.

23. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote and after showing to the presiding officer his (*i e* , the presiding officer's) initials thereon shall put his ballot paper so folded up into the ballot box Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box

24 (1) If the elector states that he cannot record his vote without assistance, the Presiding Officer shall ascertain from him for whom he wishes to vote and shall mark his ballot paper accordingly and give it to him to be put in the ballot box

(2) In the case of every elector whose ballot paper is marked in this manner by the presiding officer a note shall be made on the counterfoil, Form III-A, by the presiding officer of the reason why it was so marked.

25 (1) When a person presents himself to vote and at any time before a ballot paper is supplied to him the presiding officer or polling officer may, of his own accord and shall, if so required by a candidate or polling agent, put to such person any or all of the following questions.—

(i) Are you the person enrolled as follows (reading the whole entry from the roll)?

(ii) Have you already voted at the present election in this constituency?

(iii) (To be put at a general election only.) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the person shall not be supplied with a ballot paper unless he gives an unqualified answer to the question or questions put to him and unless his answer to the first question is in the affirmative, the second question in the negative, and at a general election the third question also in the negative.

(2) Except as mentioned herein, every person whose name is found on the electoral roll shall be entitled to be supplied with a ballot paper.

26. If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to receive a ballot paper in the same manner as any other elector Such ballot paper (hereinafter referred to as a tendered ballot paper) shall be of a colour different from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the elector and his number on the electoral roll and the name or number of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer The name of the elector and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form IV annexed to these regulations, which shall bear the heading 'Tendered votes list'. The person tendering such ballot paper shall sign his name and address on that list or affix his thumb impression thereto.

27 If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form V annexed to these regulations) his name and address, or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned in the manner provided in regulation 25 gives unqualified answers to the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances, and of his decision on the list of challenged votes.

Explanation.—The application of this regulation shall not exclude the application of regulation 26, nor shall the application of regulation 26 exclude the application of this regulation.

28. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him

of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled.

29 A presiding officer, polling officer, or polling agent, or public servant who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer of the constituency concerned to be entitled to vote at the election, be allowed to record his vote at that polling station The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with the other particulars to be entered therein.

30. (1) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in regulation 29 to the Returning Officer who is concerned with the counting of the votes and such Returning Officer shall cause such vote to be included among the other votes given for the candidate designated by the elector.

The counterfoil of such ballot paper shall be placed in an envelope and shall be added at the end of the file of counterfoils of the polling station at which the vote was recorded.

(2) The certificate referred to in regulation 29 shall be in the following form —

"Certified that . . . entitled to vote at .. for . ... Constituency has been employed in connexion with the election for . constituency and is prevented from voting at the said station and that I have therefore authorised him to vote at ....

Signature of Returning Officer

31 The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidate or polling agents who may be present, make up into separate packets and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal—

(1) each ballot box in use at such station unopened but with the key (which should also be sealed in the same manner as the ballot box) attached,

(2) the used tendered ballot papers,

(3) the unused ballot papers, ordinary and tendered,

(4) the spoilt ballot papers, ordinary and tendered,

(5) the marked copy of the electoral roll;

(6) the counterfoils of the ballot papers;

(7) the tendered votes list, and

(8) the list of challenged votes,

and shall forward such packets to the authority mentioned in regulation 33."

32 The packets shall be accompanied by a statement in Form VI made by the presiding officer and enclosed in a separate cover,

showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, and ballot papers dealt with under regulation 29.

33 Subject to any directions given in that behalf by the Returning Officer, the packets and statements shall be forwarded by the presiding officer to the Commissioner of the Corporation of Madras in the Madras City and to the divisional or taluq officer as the Returning Officer may direct in the mufassal Each packet shall be numbered and shall bear a note as to its contents and the name of the polling station Where no vote has been recorded in any constituency, the presiding officer shall submit a nil report together with the statement in Form VI and the empty box The Commissioner of the Corporation of Madras or the divisional or taluq officer, as the case may be, shall forward to the Returning Officer, immediately on receipt from all the polling stations in the city, division or taluq, the packets referred to in regulation 31 together with a statement in Form VII which shall be compiled from the statement in Form VI and from the nil reports received from the presiding officers.

Postal Voting

34 Regulations 35 to 43 shall apply to the three constituencies excepted by regulation 11 No elector of these constituencies shall be allowed to vote in any other way than is provided in these regulations.

35 Not less than fifteen clear days before the date fixed for the poll, the Returning Officer shall issue through the post a declaration paper and a ballot paper to each elector to the address entered against his name in the electoral roll, unless the elector has, since the publication of the roll, changed his address and intimation of such change has been received in writing by the Returning Officer.

36. The ballot paper shall be in Form VIII and the declaration paper in Form VIII-A The ballot paper shall have the names of the candidates in the order in which they appear in Form II. If there are two candidates whose names are the same, they shall be distinguished by the addition of their occupation or in some other way. The ballot papers shall be printed in such language or languages as the Returning Officer may consider necessary. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot paper. To each elector shall be issued the declaration paper and the ballot paper whose serial numbers correspond to the number which the elector bears on the electoral roll

37. Before the ballot paper is issued to an elector, the Returning Officer shall—

(*a*) have the name of the elector entered on the declaration paper; and

(*b*) place a mark against the name of the elector concerned in the electoral roll, or the copy of it, used for the purpose of election.

38. With the ballot paper, the Returning Officer shall send a cover addressed to himself in Form IX, and envelope with the number of the ballot paper entered on its face and a letter in Form X The Returning Officer shall have the number of the ballot paper entered at the left-hand bottom corner of the cover in Form IX.

39 Each elector, upon receipt of his ballot paper, if he desires to vote in the election, shall sign the declaration in the declaration paper and record his vote on the ballot paper by placing a mark against the name of the candidate or candidates of his choice

40 The elector shall then enclose the ballot paper in the envelope and stick it up and enclose the envelope and the declaration paper in the cover and send the cover by registered post to the Returning Officer so as to reach him not later than the day and the latest hour fixed for the poll The cover received after such day and hour as well as covers received by unregistered post shall be rejected

Provided that, at his option, the elector may in person or by mes senger deposit the cover in a ballot box which shall be provided at the office of the Returning Officer on the day and during the hours fixed for the poll.

41 (1) If an elector is incapacitated from blindness or other physical cause from voting in the manner prescribed above, it shall be competent for him to record his vote by the hand of any of the officers or other persons mentioned hereunder· and such officer or other person shall, on the declaration paper, certify the incapacity and attest the fact of his having been requested by the elector to mark the ballot paper for him, and of its having been so marked by him in the presence of the elector.

(2) The following officers or other persons are empowered to attest votes of incapacitated electors under this regulation —

(i) District and taluq board members and municipal councillors

(ii) Gentlemen who bear a title conferred or recognized by the Government of India

(iii) Members of the Legislative Council of the Governor of Madras, of the Legislative Assembly and of the Council of State

(iv) Stipendiary Magistrates other than a village magistrate, Judges of the Court of Small Causes, Madras, and the City Civil Court, Madras, Sub-Judges, District Munsifs, District Registrars and Sub-Registrars.

42 An elector who has not received his ballot and other connected papers sent by post or whose papers, before their despatch back to the Returning Officer, have been inadvertently spoilt in such manner that they cannot be conveniently used, or who has lost his papers may, on his transmitting to the Returning Officer a declaration to that effect

signed by himself, require the Returning Officer to send him new papers in place of those not received, spoilt or lost, and, if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt In every case when new papers are issued, a mark shall be placed against the name of the elector in the copy of the roll referred to in regulation 37 (b) to denote that new papers have been issued in place of those not received spoilt or lost.

43 No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these regulations.

Counting of Votes

44 The Returning Officer shall, as soon as may be practicable, appoint a date which shall be not later than fifteen days from the date of the poll, and the time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

45 (1) No person shall be allowed to be present at the counting of votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

46 On the day and at the time appointed under regulation 44 the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Elections Offences and Inquiries Act 1920, to such persons as may be present, and shall then proceed as follows.—

(a) (i) If the constituency is one in which the voting is personal, the ballot box or boxes relating to each polling station or the envelopes containing votes under regulation 29 shall be opened one after another, and the Returning Officer shall take out the ballot papers therefrom, count them or cause them to be counted, and record the number thereof in a statement. Such statement shall not be shown to any candidate or agent

(ii) If the constituency is one in which postal voting is allowed, the covers received from or deposited by electors under the proviso to regulation 40 shall be opened one after another and the envelopes and declaration papers taken out therefrom If a cover should contain no declaration paper outside the envelope, the envelope enclosed in such cover shall be rejected and the Returning Officer shall endorse the word "Rejected" on the envelope. If a cover contains a declaration paper, the Returning

Officer shall examine whether the declaration paper is the one sent out by him and whether the declaration and attestation are *primâ facie* regular. If he is not satisfied that a declaration paper is the one sent out by him to the elector concerned or if the declaration or attestation is not in order, he shall endorse the word "Rejected" on the back of the declaration paper and keep it with the connected envelope in a separate bundle. If more than one declaration paper or more than one envelope is enclosed in one and the same cover, all the declaration papers and envelopes contained in the cover shall be rejected and the Returning Officer shall endorse the word "Rejected" on the back of each declaration paper and keep the declaration papers so rejected and the envelopes contained in the cover in the same bundle of rejected papers He shall file the other declaration papers and the envelopes containing the corresponding ballot papers in a separate heap. These envelopes shall then be opened, the ballot papers enclosed therein taken out and counted and the total thereof recorded by the Returning Officer in a statement

(*b*) The Returning Officer shall then mix together all the ballot papers so counted and totalled up and distribute them in convenient bundles to the persons appointed to assist in counting the votes

(*c*) When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents, reasonable opportunity to inspect, without handling, all ballot papers which in his opinion are liable to be rejected and shall, on every ballot paper, which is wholly or partially rejected, endorse the word "Rejected" If any candidate or agent present questions the correctness of the rejection. he shall also record on the ballot paper the grounds for the rejection No candidate or agent shall be allowed to see the serial number on the back of any ballot paper

(*d*) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody

47 (1) A ballot paper shall be rejected if in the case of all constituencies—both personal vote and postal vote—

(*a*) the number of votes recorded thereon exceeds the number of vacancies to be filled,

(b) no vote is recorded thereon,

(c) it is void for uncertainty,

(d) it bears any mark by which the elector can be identified, and in the case of personal vote constituencies—

(e) it does not bear the initials of the presiding officer on its back, and

N B.—This shall not apply to a postal vote

in the case of postal vote constituencies—

(f) (i) the cover, enclosing the elector's declaration paper and the envelope containing his ballot paper has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll nor deposited in the ballot box provided in *the office of the Returning Officer on the day and during* the hours fixed for the poll,

(ii) the cover contains no declaration paper outside the envelope,

(iii) more than one declaration paper or envelope containing ballot paper have been enclosed in one and the same cover,

(iv) the declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order

Provided that in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account

(2) Except on the abovementioned grounds, a ballot paper shall not be rejected

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition

48. The following procedure shall apply to constituencies other than those for which postal voting is allowed.—

The Returning Officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under regulation 32 by comparing it with the number of accepted ballot papers and of rejected ballot papers, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

49. The following procedure shall apply in the case of postal vote constituencies:—

Upon the completion of the counting, the Returning Officer shall seal up in separate packets—

(1) the counted ballot papers;

(2) the rejected declaration papers and connected envelopes;

(3) the ballot papers rejected at the count;

(4) the rejected envelopes and the connected declaration papers if any, and

(5) the marked copy of the electoral roll.

He shall also prepare and sign a statement in Form XI and record on each packet a description of its contents and the date of the election to which it refers

50 The Returning Officer shall then prepare and certify a return in Form XII setting forth—

(1) the names of the candidates for whom valid votes have been given,

(2) the number of valid votes given for each candidate,

(3) the name of the candidate elected,

(4) the number of votes declared invalid, and

(5) the number of tendered votes given,

and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return.

Miscellaneous

51 (1) The Returning Officer shall, after reporting the result of the election under rule 14 forward a copy of the return made under regulation 50 to the Secretary to the Government of India in the Legislative Department

(2) All the packets relating to the elections shall, subject to the control of the Local Government, remain in the custody of the Returning Officer

52 The packets of ballot papers whether counted, rejected or tendered, and of the counterfoils thereof, or of the declaration papers as the case may be shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to inspection subject to such conditions as the Local Government may impose and to the payment of a fee of Rs 5

53 The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the Local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

(*b*) no vote is recorded thereon,

(*c*) it is void for uncertainty,

(*d*) it bears any mark by which the elector can be identified, and in the case of personal vote constituencies—

(*e*) it does not bear the initials of the presiding officer on its back, and

N.B.—This shall not apply to a postal vote

in the case of postal vote constituencies—

(*f*) (i) the cover, enclosing the elector's declaration paper and the envelope containing his ballot paper has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll nor deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for the poll,

(ii) the cover contains no declaration paper outside the envelope,

(iii) more than one declaration paper or envelope containing ballot paper have been enclosed in one and the same cover,

(iv) the declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order.

Provided that in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

(2) Except on the abovementioned grounds, a ballot paper shall not be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

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(4) the rejected envelopes and the connected declaration papers if any, and

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(2) the number of valid votes given for each candidate,

(3) the name of the candidate elected,

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53 The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the Local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

SCHEDULE.

Name of constituency.	Returning Officer.	Other officers who may also perform the duties of a Returning Officer.
	Non-Muhammadan—Urban.	
Madras City . .	The Commissioner, Corporation of Madras.	Revenue Officer, Corporation of Madras.
	Non-Muhammadan—Rural.	
Ganjam *cum* Vizagapatam.	The Collector of Vizagapatam.	Treasury Deputy Collector, Vizagapatam, and the Collector of Ganjam
East Godavari and West Godavari *cum* Kistna.	The Collector of West Godavari.	Treasury Deputy Collector, West Godavari, and the Collectors of East Godavari and Kistna.
Guntur *cum* Nellore .	The Collector of Nellore.	Treasury, Deputy Collector, Nellore, and the Collector of Guntur.
Madras Ceded Districts and Chittoor.	The Collector of Cuddapah.	Treasury Deputy Collector, Cuddapah, and the Collectors of Kurnool, Bellary, Anantapur and Chittoor.
Salem and Coimbatore *cum* North Arcot.	The Collector of Coimbatore.	Treasury Deputy Collector, Coimbatore, and the Collectors of Salem and North Arcot.
South Arcot *cum* Chingleput.	The Collector of Chingleput.	Treasury Deputy Collector, Chingleput, and the Collector of South Arcot
Tanjore *cum* Trichinopoly.	The Collector of Tanjore	Treasury Deputy Collector, Tanjore, and the Collector of Trichinopoly.
Madura and Ramnad *cum* Tinnevelly	The Collector of Madura.	Treasury Deputy Collector, Madura, and the Collectors of Tinnevelly and Ramnad.
West Coast and the Nilgiris.	The Collector of Malabar.	Treasury, Deputy Collector, Malabar, and the Collectors of the Nilgiris and South Kanara.
	Muhammadan.	
North Madras . .	The Collector of Guntur.	Treasury Deputy Collector, Guntur, and the Collectors of Ganjam, Vizagapatam, East Godavari, West Godavari, Kistna, Nellore, Anantapur, Bellary, Cuddapah, Kurnool and Chittoor.
South Madras . .	The Collector of Salem.	Treasury Deputy Collector, Salem, the Collectors of Trichinopoly, Chingleput, North Arcot, Coimbatore, South Arcot, Tanjore, Madura, Ramnad and Tinnevelly and the Commissioner, Corporation of Madras.

Name of constituency.	Returning Officer.	Other officers who may perform the duties of a Returning Officer.
	Muhammadan—contd.	
West Coast and the Nilgiris.	The Collector of Malabar.	Treasury Deputy Collector, Malabar, and the Collectors of the Nilgiris and South Kanara
	European	
Madras . .	Secretary to Government of Madras in charge of Elections.	Assistant or Under Secretary in charge of Elections.
	Landholders.	
Madras . . .	Secretary to Government of Madras in charge of Elections.	Assistant or Under Secretary in charge of Elections.
	Indian Commerce	
Madras .	The Collector of Madras	Assistant Superintendent of Stationery, Madras

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FORM I

FORM OF NOTICE.

Whereas the constituency of the Legislative Assembly has been called upon by notification to elect a member on or before , I, , the Returning Officer of the said constituency, do hereby give the following —

Public Notice.

(i) The number of persons to be elected is

(ii) Nomination papers may be delivered to the undersigned at (office) or if he is unavoidably prevented from receiving the same to at . They should be presented between 11 A M and 3 P M on or before (date).

(iii) Forms of nomination paper may be obtained at the offices of the persons abovementioned between the hours of (hour) and (hour) from (date) to (date)

(iv) The nomination papers will be taken up for scrutiny at (hour) on (date) in (place).

SCHEDULE.

Name of constituency.	Returning Officer.	Other officers who may perform the duties of a Returning Officer.
	Non-Muhammadan—Urban.	
Madras City . .	The Commissioner, Corporation of Madras.	Revenue Officer, Corporation of Madras.
	Non-Muhammadan—Rural.	
Ganjam *cum* Vizagapatam.	The Collector of Vizagapatam.	Treasury Deputy Collector, Vizagapatam, and the Collector of Ganjam.
East Godavari and West Godavari *cum* Kistna.	The Collector of West Godavari.	Treasury Deputy Collector, West Godavari, and the Collectors of East Godavari and Kistna
Guntur *cum* Nellore .	The Collector of Nellore.	Treasury, Deputy Collector, Nellore, and the Collector of Guntur
Madras Ceded Districts and Chittoor.	The Collector of Cuddapah.	Treasury Deputy Collector, Cuddapah, and the Collectors of Kurnool, Bellary, Anantapur and Chittoor.
Salem and Coimbatore *cum* North Arcot.	The Collector of Coimbatore	Treasury Deputy Collector, Coimbatore, and the Collectors of Salem and North Arcot.
South Arcot *cum* Chingleput.	The Collector of Chingleput.	Treasury Deputy Collector, Chingleput, and the Collector of South Arcot.
Tanjore *cum* Trichinopoly.	The Collector of Tanjore.	Treasury Deputy Collector, Tanjore, and the Collector of Trichinopoly.
Madura and Ramnad *cum* Tinnevelly.	The Collector of Madura.	Treasury Deputy Collector, Madura, and the Collectors of Tinnevelly and Ramnad.
West Coast and the Nilgiris.	The Collector of Malabar.	Treasury Deputy Collector, Malabar, and the Collectors of the Nilgiris and South Kanara.
	Muhammadan.	
North Madras . .	The Collector of Guntur.	Treasury Deputy Collector, Guntur, and the Collectors of Ganjam, Vizagapatam, East Godavari, West Godavari, Kistna, Nellore, Anantapur, Bellary, Cuddapah, Kurnool and Chittoor.
South Madras . .	The Collector of Salem.	Treasury Deputy Collector, Salem, the Collectors of Trichinopoly, Chingleput, North Arcot, Coimbatore, South Arcot, Tanjore, Madura, Ramnad and Tinnevelly and the Commissioner, Corporation of Madras.

Name of constituency.	Returning Officer.	Other officers who may perform the duties of a Returning Officer
	Muhammadan—contd.	
West Coast and the Nilgiris	The Collector of Malabar.	Treasury Deputy Collector, Malabar, and the Collectors of the Nilgiris and South Kanara
	European	
Madras . . .	Secretary to Government of Madras in charge of Elections.	Assistant or Under Secretary in charge of Elections.
	Landholders	
Madras . .	Secretary to Government of Madras in charge of Elections.	Assistant or Under Secretary in charge of Elections
	Indian Commerce	
Madras	The Collector of Madras.	Assistant Superintendent of Stationery, Madras

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FORM I

FORM OF NOTICE.

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Public Notice.

(i) The number of persons to be elected is

(ii) Nomination papers may be delivered to the undersigned at (office) or if he is unavoidably prevented from receiving the same to at . They should be presented between 11 A M and 3 P M on or before (date)

(iii) Forms of nomination paper may be obtained at the offices of the persons abovementioned between the hours of (hour) and (hour) from (date) to (date)

(iv) The nomination papers will be taken up for scrutiny at (hour) on (date) in (place).

(v) In the event of the election being contested, the poll will take place on between the hours of and with an interval of rest between and .

"(vi) *No elector will be admitted to vote outside the polling area under which his name appears on the electoral roll. The polling stations at which electors in each polling area may vote are those entered in the electoral roll. subject however to the following alterations:—

Registration area.

Number of polling area according to the electoral roll.	Name of polling station finally selected in lieu of the station provisionally entered in the electoral roll."

List of Polling stations.

Registration area.

Number of polling area according to the Electoral Roll	Name of polling station.
1.	
2.	
3	
4	
etc., etc.	

(Sd.)

Returning Officer
of
Constituency.

Date

at

* NOTE —This will be omitted in the case of constituencies for which postal voting is permitted

FORM II.

.... constituency. Legislative Assembly.

Final List of Candidates for Election.

Serial number.	Name of candidate.	Address of candidate.
1.		
2.		
3.		
4 etc.		

Note *

*The poll will be taken on the day of 19 between and at the polling stations already notified.

Returning Officer

* In the case of a Postal Vote Constituency, the note shall run as follows :—

Ballot papers should reach the Returning Officer by registered post before (hour) on or be deposited or caused to be deposited at the office of the Returning Officer between and on .

FORM III

Form of Ballot Paper

Outerfoil.

Front

Names of candidates.	Mark showing the elector's choice.

N B —Please see instructions on the back.

Back of outerfoil.

Instructions.

(1) The number of members for whom you may vote is.........

(2) Place a cross mark thus × against the name of $\frac{\text{the candidate}}{\text{each of the candidates}}$ for whom you wish to vote.

(3) The mark should be placed against not more than...... ....

Serial No.

FORM III-A.

Counterfoil

Serial No

Constituency . ...

Number of polling area and name of polling station ... .

Number and name of elector on electoral roll ....

FORM IV.

TENDERED VOTES LIST.

Polling station........................

Name of constituency.	Name of elector.	Number in Electoral Roll.	Signature of elector if literate or thumb impression of elector if illiterate and address.

FORM V.

LIST OF CHALLENGED VOTES.

Name of Polling Station.............. ....

Signature Sheet No. ....

Number on Electoral Roll.	Name	Signature of elector if literate or thumb impression of elector if illiterate.	Name of identifier if any.

Order of Presiding Officer (in each case).

Signature of Presiding Officer.

FORM VI.

Statement sent by Presiding Officer at in the district of after the polling on 19 for the Constituency

Description	Number received.	Number of ballot papers in box or packet.	Number unused	Number spoilt	Ballot papers dealt with under regulation 29	Remarks
Ordinary ballot papers.						
Tendered ballot papers.						

Signature of Presiding Officer.

FORM VII.

Constituency.

Name of polling station. (1)	Number of ballot boxes or packets. (2)	Number of ballot papers in boxes or packets. (3)
Total		

Station

Date

Commissioner of the Corporation or Divisional or Taluq Officer.

FORM VIII

FORM OF BALLOT PAPER (POSTAL VOTE)

Ballot paper

Constituency

Names of candidates.	Mark showing the elector's choice

[Please see instructions on the back.]

Back of ballot paper.

(1) The number of members for whom you may vote is..............

(2) Place a cross mark thus × against the name of $\frac{\text{the candidate}}{\text{each of the candidates}}$ for whom you wish to vote.

(3) The mark should be placed against not more than........ ...

Serial No.

FORM VIII-A.

Declaration paper.

Constituency.

Serial No.

Elector's name and number on the roll.

Elector's declaration.

I (name in full and designation) declare that I am an elector for this constituency and have signed no other ballot paper at this election for this constituency.

Date Signature

Station Address

FORM IX

FORM OF FACE OF COVER

Legislative Assembly Election

Constituency

Poll on ..

To

The Returning Officer,

. .. . constituency,

... (station and address)

No

FORM X

FORM OF LETTER OF INTIMATION.

.... constituency.

Sir,

The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the Legislative

Assembly. Should you desire to vote at this election, I have to request that you will—

(a) sign the declaration paper;

(b) mark your vote in the column provided for the purpose in the ballot paper,

(c) enclose the ballot paper in the smaller envelope and stick it up, and

(d) put the smaller envelope and the declaration paper in the cover addressed to me and return it to me by registered post so as to reach me not later than $\frac{\text{A. M.}}{\text{P. M.}}$ on the day of 19 or deposit or cause to be deposited the cover addressed to me in the ballot box provided for the purpose in (place) between and on

2. Regulation 47 of the Regulations for the conduct of elections provides that a ballot paper shall be rejected if

(a) the number of votes recorded thereon exceeds the number of vacancies to be filled,

(b) no vote is recorded thereon,

(c) it is void for uncertainty,

(d) it bears any mark by which the elector can be identified, and

(e) (i) the cover, enclosing the elector's declaration paper and the envelope containing his ballot paper has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll nor deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for the poll,

(ii) the cover contains no declaration paper outside the envelope,

(iii) more than one declaration paper or envelope containing ballot paper have been enclosed in one and the same cover,

(iv) the declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order.

Provided that in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

Station

Date

Returning Officer.

FORM XI.

Total number of electors on roll.	Number of ballot papers issued originally	Number issued in place of ballot papers reported as not received, spoilt or lost	Number of ballot papers received.	Number of ballot papers rejected.	Number of ballot papers counted.	Number of declaration papers filed separately.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Returning Officer.

FORM XII.

LEGISLATIVE ASSEMBLY.

Return showing Results of the Election for seats for constituency.

Name of candidate for whom votes have been given.	Number of valid votes.
A B C D E F	
Number of valid ballot papers . .	
Number of ballot paper declared invalid in whole or in part.	
Number of tendered ballot papers .	

I do hereby declare that the following candidates

A

B

C

have been duly elected

Returning Officer.

2.—BOMBAY.

NOTE—

Constituencies.	*No. of Members.*
Non-Muhammadan	7
Muhammadan	4
European	2
Indian Commerce	2
Landholders	1

Legislative Assembly (Bombay) Electoral Regulations. (Legislative Department Notification No. 211, dated the 13th September 1923.)

REGULATIONS.

PART I —GENERAL

Short Title. 1 These Regulations may be called the Legislative Assembly (Bombay) Electoral Regulations

2 In these Regulations—

Definitions. (a) "Returning Officer" means the person stated in the first column of the table hereto annexed in respect of the constituency or constituencies entered against him in the second column of the said table, or any person whom the Local Government may, by notification in this behalf, appoint as Returning Officer in respect of any election or part of an election in any constituency in lieu of the person stated in the said table, and shall include any person deputed for the time being by the Returning Officer to perform any of his duties

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Table

The Collector of Bombay	(a) The Bombay City (Non-Muhammadan) Constituency. (b) The Bombay City (Muhammadan) Constituency. (c) The Bombay (European) Constituency.
The Commissioner within whose jurisdiction the Constituency is included.	(a) The Sind, Northern Division, Central Division, Southern Division, Muhammadan and Non-Muhammadan Constituencies. (b) The Jagirdars and Zamindars (Sind) Constituency.
The Commissioner, Central Division.	The Gujarat and Deccan Sardars and Inamdars Constituency.
The Secretary of an Association forming an Indian Commerce Constituency.	The Constituency so formed.

(b) "Rules" mean the Legislative Assembly Electoral Rules.

(c) "Ballot paper" includes a part of a ballot paper.

PART II.—Electoral Rolls.

Registering Officer: Form and preparation of Roll: Language.

1. (1) The Collector shall cause to be prepared an electoral roll for each constituency or part of a constituency included within his jurisdiction: and where the Collector is not the Returning Officer for any such constituency, shall submit the roll to the Returning Officer in time to allow of the roll being published on the appointed date in the manner prescribed in this Regulation.

In case of a woman her husband's or father's name.

(2) The elector's name, his father's* name his residence and the nature of his qualification shall be entered in the roll

(3) The roll shall be prepared in a municipal, cantonment, or notified area, alphabetically and separately for the area under each polling station or such sub-division of such area as the Collector may direct; and alphabetically and separately for each village or part of a village or tapa not included in any such area

(4) An elector shall ordinarily be entered in the roll for the area in which he has a place of residence, but may, and where the elector has not a place of residence within the constituency, shall be entered in the roll for an area in which his qualification is wholly or partly held: provided that in an urban constituency a person qualified as an income-tax-payer who has not a place of residence within the constituency, may be entered in the roll for any area which he may select Where an elector does not reside in the area on the roll for which he is entered, the place where he resides shall be entered under his name

(5) In a Bombay City Constituency, in the Bombay European Constituency and within the municipal district of Karachi, the Cantonments of Karachi and Manora and the Karachi Port Trust limits the roll shall be prepared in *English*, in the Gujarat and Deccan Sardars and Inamdars Constituency, the roll shall be prepared in the Northern Division (excluding Thana, and Bombay Suburban districts) in *Gujarati* and elsewhere in *Marathi*, and in any other area, the roll shall be prepared in Sind in *Sindhi*, in the Northern Division (excluding Thana and Bombay Suburban districts) in *Gujarati*, in the Central Division, in the Thana, Bombay Suburban, Kolaba and Ratnagiri districts, in the talukas of Belgaum, Khanapur and Chikodi in the Belgaum district and in the Supa Petha of the Kanara district in *Marathi*, and in the Southern Division (save as hereinbefore provided) in *Kanarese*

Publication of Roll

2. (1) On or before such date as may be appointed by the Local Government in this behalf a copy of the electoral roll for each constituency shall be published at the headquarters office of the Returning Officer

(2) There shall be published on or before the aforesaid date at the headquarters office of each municipal cantonment or notified area in the constituency, the parts of the roll relating to such area; at the headquarters office of each village or part of a village or tapa in the constituency not included in any such area and at the headquarters of the taluka or mahal in which such village or tapa is included, the parts of the roll relating to such village or part of a village, and where the constituency is not wholly included within the Collector's jurisdiction at the Collector's headquarters office the parts of the roll relating to the area under his jurisdiction.

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* Except in the case of Christians.

(3) The parts and copies so published shall remain open to inspection during the period allowed for lodging objections.

Objections.

3. (1) At the time of publishing the roll and the parts thereof a notice shall be published in like manner in Form IV appended to these regulations calling upon persons entered in the roll to lodge in the manner herein prescribed any objection they may have to make to the roll as published, and upon persons claiming to be entered in the roll, to lodge their claim in the manner herein prescribed A claim or objection may be lodged in the prescribed manner on behalf of the Collector in respect of any entry or omission in the roll.

(2) Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number, if any, in the electoral roll and the area in the roll for which he is entered, and in the case of an objection the number in the electoral roll of the person to whose entry objection is taken and the area in the roll for which he is entered.

(3) Four copies of the claim or objection shall be delivered or sent by post so as to reach the office of the judge authorized to receive the claim or objection under these regulations on or before the tenth day from the publication of the roll, excluding the day of such publication.

(4) A claim or objection which is not lodged in the manner herein prescribed or which is lodged by a person not entitled to lodge the same shall be rejected

Revising Authority: Powers and Procedure.

4 (1) Claims and objections relating to any roll for any part of the area specified in the first column of the annexed table should be received by the authority specified against such area in the second column of the said table

Table.

The City of Bombay	The Chief Judge of the Court of Small Causes, Bombay.
The municipal district of Karachi, the Cantonments of Karachi and Manora, the limits of the Karachi Port Trust and the taluka of Karachi.	The Judge of the Court of Small Causes, Karachi.
The municipal district of Ahmedabad, the Cantonment of Ahmedabad and the notified areas of Kankaria, Asarwa, Ellis Bridge and Sabarmati	The Judge of the Court of Small Causes, Ahmedabad.
The municipal district of Poona, the suburban municipal district of Poona and the Cantonments of Poona and Kirkee.	The Judge of the Court of Small Causes, Poona.
Any other area	The Subordinate Judge within the local limits of whose ordinary jurisdiction the area is situate.

For removal of the sex disqualification of women for registration, *vide* Government of India Notification, Legislative Department, No. 43-A C., dated the 23rd March 1922, republished in Government Notification, Legislative Department, No 679, dated the 3rd April 1922.

(2) The Judge on receipt of a claim or objection lodged in the manner herein prescribed and by a person entitled to lodge such claim or objection, shall fix a date and place for hearing the same and shall give notice of such date and place to the claimant or objector; the Collector who prepared the roll shall be made a party to such claim or objection if not already a party thereto and shall be supplied with a copy of the claim or objection and with notice of the date and place fixed for hearing Where objection is taken to the entry of any person on the register, a copy of the objection with notice of the date and place fixed for hearing shall be sent to such person A copy of the claim or objection with notice of the date and place fixed for hearing shall be placed on the Judge's notice board

(3) Where any copy or notice is to be sent under sub-regulation (2), such copy or notice shall be sent by post to a claimant or objector to the address given in the claim or objection and to a person to the entry of whose name objection is taken, to the address given in the electoral roll, a copy or notice so sent shall be deemed to have been duly served

(4) The parties shall produce before the Judge the evidence on which they rely

(5) Where a claim or objection is based upon any right, title or interest in anything and such right, title or interest is disputed, if the Judge is of opinion that the dispute cannot be determined summarily but should be adjudicated upon by a civil court, he shall reject such claim or objection.

(6) The Judge after hearing the evidence if any, adduced on behalf of the parties and after such further enquiry as he may deem necessary, shall pass order on the claim or objection

(7) The Judge shall forthwith send a copy of his order to the Collector

(8) If the Judge is unable to dispose of the claims and objections made within the period of four weeks from the last date fixed for lodging claims and objections, he may transfer any claim or objection for hearing to a Small Cause Court Judge in the case of the City of Bombay, and in the case of any other area to a subordinate judge or joint or additional subordinate judge having jurisdiction within the local limits of the jurisdiction of the Judge making such transfer, or may appoint such number of practising advocates, vakils or pleaders as he shall consider necessary for disposing of the said claims and objections within the said period The provisions of this regulation applicable to a Judge having jurisdiction under the provisions of sub-regulation (*1*) shall apply to a judge to whom a claim or objection has been transferred for hearing and to an advocate, vakil or pleader appointed as aforesaid

Amended Roll and List of additions: Publication

5 (1) The Collector shall make such cancellations in, and shall prepare a list of such additions to, the roll for each constituency as may be required in accordance with the orders passed under regulation 4 of this Part, and where he is not the Returning Officer for the constituency, shall forward copies of the amended roll and of the list of additions to the Returning Officer in time to allow of the amended

roll and list being published on the appointed date in the manner prescribed in this regulation.

(2) The list shall be prepared in the manner specified in regulation 1 (3) of this Part.

(3) The amended roll and the list of additions shall be published in the manner prescribed in Regulation 2 of this Part for the publication of the electoral roll, on or before such date as may be appointed by the local Government in his behalf.

Amended roll conclusive proof.

6 The electoral roll of any constituency as amended and supplemented by the list of additions shall be conclusive evidence for the purpose of determining whether any person is an elector in such constituency

Preliminary publication of roll.

7. In order to facilitate the preparation of the electoral roll under Regulation 1 of this Part the local Government may, by notification in the Gazette, direct that prior to the first publication prescribed by Regulation 2 of this Part there shall be a preliminary publication by the Collector, of the electoral roll for each constituency or part of a constituency included within his jurisdiction with notice that applications for enrolment submitted within a period to be specified in the notice will be heard and decided by the Collector or other officer deputed by him in this behalf The roll shall then, on the expiry of the above period, be revised before publication under Regulation 2 of this Part.

PART III.—NOMINATION OF CANDIDATES

Nomination papers.

1 Nomination papers in the form prescribed by rule 11 (3) of the rules shall be supplied by the Collector to any elector asking for the same

Delivery of nomination paper in the case of the Bombay (European) constituency.

1-A In the case of the Bombay (European) Constituency, nomination papers may be delivered under rule 11 (3) of the rules either to the Returning Officer or to the Collector of Karachi who is hereby authorised to receive the same

Scrutiny of nomination papers.

2 On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

Disposal of objections: Rejection of nomination.

3. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:

(i) that the candidate is ineligible for election under rule 5 or rule 6;

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11,

(iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12;

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be,

(v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purpose of this regulation—

(*a*) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule 4 of rule 11; and

(*b*) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (*1*) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

Completion of scrutiny.

4. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (*b*) of sub-rule (*2*) of rule 11 and no adjournment of the proceedings shall be allowed

Preparation of lists of valid nominations.

5 On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (*8*) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

Publication of names of candidates: Supply of ballot papers.

6. (1) If the number of duly nominated candidates is greater than the number of vacancies the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the Local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order and the symbol, if any, allotted to each candidate.

(2) In such case the Returning Officer shall forthwith arrange for the printing and supply to the Collector, if such officer is not himself the Returning Officer, of a sufficient number of ballot papers in the prescribed form.

PART IV.—VOTING IN CONSTITUENCIES OTHER THAN INDIAN COMMERCE CONSTITUENCIES.

Polling.

1. The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hour so fixed shall be published by notification in the Gazette and in such other manner as the local Government may direct.

Polling stations: Presiding Officer.

2. (1) The Collector shall select as many polling stations as he thinks necessary for the part of the constituency included within his jurisdiction, and he and the Returning Officer shall publish in the manner prescribed by Regulation 2, Part II, lists showing the polling stations so selected, and the polling areas for which they have respectively been selected.

(2) The Collector shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary.

(3) The same polling stations and presiding officers may be appointed in respect of elections held simultaneously.

Maintenance of order.

3. (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers, the candidates, and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate, and authorised in this behalf by the Returning Officer,

(b) the police or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the Local Government under Regulation 1 of this Part, so as to prevent the admission thereto of any voter after that hour.

Issue of ballot paper.

4. No ballot paper shall be issued after the closing hour appointed under Regulation 1 of this Part, but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

5 Each polling station shall be furnished with such number of compartments, in which voters can record their votes screened from observation, as the Collector thinks necessary

Voting compartments.

6 The Collector shall provide at each polling station materials sufficient for the purpose of enabling voters to mark the ballot papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station

Supply of election materials and ballot boxes.

7 Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom, without the box being unlocked The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed

Sealing of ballot box.

8 Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district

Procedure before polling begins.

9 Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector as stated in the electoral roll shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper but without showing the particular ballot paper which he has received On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Procedure before ballot paper is delivered to electors.

10 The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper and fold it up so as to conceal his vote, and, shall put his ballot paper, so folded up, into the ballot box Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

Voting.

11 The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.

Assistance to electors.

12 At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions—

Identity of electors.

(1) Are you the person enrolled as follows (reading the whole entry from the roll)? and

(2) Have you already voted at the present election in this constituency?

and at a general election

(3) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer one of the questions and unless he answers the first question in the affirmative, the second question in the negative and, at a general election, the third question also in the negative

Form of ballot paper.

13 The ballot paper shall, in the case of Muhammadan and Non Muhammadan constituencies in Sind, be in Form I annexed to these regulations. In the case of all other constituencies the ballot paper shall be in Form 1-A annexed to these regulations. The ballot papers shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

Tendered votes.

14 If the person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall, instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer. The name of the voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form II annexed to these regulations, which shall bear the heading "Tendered votes list". The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list.

Challenged votes.

15 If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form III annexed to these regulations) his name and address or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned in the manner provided in Regulation 12 of this Part answers the first question in the affirmative, and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation The presiding officer shall make a note of the circumstances, and of his decision on the list of challenged votes

Spoilt ballot papers.

16. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled

17 A presiding officer, polling officer, or polling agent who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Collector to be entitled to vote at the election for the constituency in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the electoral roll for the constituency in which that polling station is situated

Voting by Officers on duty at polling stations.

18 Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in Regulation 17 of this Part to the Collector who has granted the same, and such Collector shall cause such ballot paper to be delivered to the Returning Officer for inclusion among the valid ballot papers

Such ballot papers to be separately sealed and sent to Returning Officer.

19 The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal.

Closing of poll: Despatch of ballot paper.

(1) each ballot box in use at each station unopened but with the key attached;

(2) the unused ballot papers;

(3) the tendered ballot papers,

(4) the spoilt ballot papers,

(5) the marked copy of the electoral roll;

(6) the counterfoils of the ballot papers;

(7) the tendered votes list, and

(8) the list of challenged votes; and shall after endorsing on each packet a description of its contents deliver such packets to the Returning Officer, or to the Collector for submission to the Returning Officer where the Collector is not the Returning Officer.

20 The packets shall be accompanied by a statement made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, and ballot papers dealt with under Regulation 18 of this Part.

Statement to be sent to Returning Officer with ballot papers.

PART V.—COUNTING OF VOTES.

Appointment of date, time and place for the counting of votes.

1 The Returning Officer shall, as soon as may be practicable after the close of the poll, give notice in writing to all candidates and election agents of the date, time and place appointed by the Local Government for the counting of votes.

Who may be present at the counting of votes.

2 (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting of the votes and such other persons, as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Scrutiny of votes: Rejection of invalid votes: Counting of votes: Suspension of counting of votes.

3 On the day and at the time appointed under Regulation 1 of this Part the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows.—

(a) The ballot box or boxes relating to each polling station shall be opened one after another, and the Returning Officer shall take out the papers therefrom, count them or cause them to be counted, and record the number thereof in a statement Such statement shall not be shown to any candidate or agent

(b) The Returning Officer shall then mix together all the ballot papers so taken out from the ballot boxes and distribute them in convenient bundles to the persons appointed to assist in counting the votes

(c) When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, the ballot papers, and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected." If any candidate or agent present questions the correctness of the rejection, he shall also record, on the ballot paper, the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

(d) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes; and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

4. (1) A ballot paper shall be rejected if—

Grounds of rejection of ballot papers.

(a) the number of votes recorded thereon exceeds the number of vacancies to be filled,

(b) no vote is recorded thereon.

(c) it is void for uncertainty,

(d) it bears any mark by which the elector can be identified.

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat

5 The Returning Officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoils of the ballot papers He shall verify the statement submitted by the Presiding Officer under Regulation 20 of Part IV by comparing it with the number of counted votes and rejected ballot papers, the unused ballot papers in his possession and, the tendered votes list, he shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers

Verification

6 The Returning Officer shall then prepare and certify a return setting forth —

Return.

(1) the result of the verification referred to in Regulation 5 of this Part,

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected,

(5) the number of votes declared invalid, and

(6) the number of tendered votes given, and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return

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PART VI —DISPOSAL OF BALLOT PAPERS.

1 The Returning Officer shall, after reporting the result to the Secretary to the Government of India in the Legislative Department under rule 14 retain in his custody the return and the packets referred to in Part V, regulation 5, and all other documents relating to the election.

Custody of election papers.

2 While in the custody of the Returning Officer the packets of ballot papers whether counted, rejected or tendered, of the counterfoils thereof and of the marked copy of the electoral roll, shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents

Production and inspection of election papers.

relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the local Government may impose.

Destruction of election papers.

3 The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election

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PART VII.—ELECTION IN INDIAN COMMERCE CONSTITUENCIES.

Commerce and Industry Constituencies.

1. (1) In an Indian Commerce Constituency :—

(a) the Returning Officer shall prepare one roll for the constituency;

(b) the roll shall be prepared in English;

(c) the electoral roll shall be published at the *headquarters* office of the association or such other place in lieu thereof as the local Government may, by notification in this behalf, appoint,

(d) claims and objections in respect of the electoral roll shall be received by the Chief Judge of the Court of Small *Causes, Bombay, or the Judge of the Court of* Small Causes, Ahmedabad, according as the headquarters office of the association is in Bombay or Ahmedabad,

(e) four copies of the complaint or objection shall be delivered or sent by post so as to reach the office of the Judge authorised to receive the complaint or objection on or before the third day from the publication of the roll, excluding the day of such publication,

(f) the Returning Officer shall be made a party to any claim or objection in lieu of the Collector;

(g) claims or objections shall be disposed of within a period of seven days from the last date fixed for lodging claims or objection;

(h) the Judge deciding a claim or objection shall send a copy of his order to the Returning Officer in lieu of the Collector;

(i) the amended roll and list of additions shall be prepared by the Returning Officer;

(j) a nomination paper shall be presented to the Returning Officer at the headquarters office of the association or at such other place in lieu thereof as the local Government may, by notification in this behalf, appoint,

(k) the scrutiny of nomination papers shall take place at the headquarters office of the association or such other place in lieu thereof as the local Government may, by notification in this behalf, appoint;

(l) ballot papers shall not be supplied to the Collector;

(*m*) the Returning Officer shall perform the duties of the Collector and of the Presiding Officer under Part IV;

(*n*) there shall be only one polling station which shall be the headquarters office of the association or such other place in lieu thereof as the local Government may, by notification in this behalf, appoint;

(*o*) the provisions of Part IV shall apply.

(2) Save as herein provided, the provisions of these Regulations shall apply to an election in any such constituency.

PART VIII.—SAFE CUSTODY, PRESERVATION, INSPECTION AND PRODUCTION OF ELECTION PAPERS

1. (1) *Custody, etc., of Papers.*—The papers mentioned in column 1 of the Schedule hereto annexed shall be kept by the officers mentioned in the second column, for the period specified in the third column thereof, provided that entries 1 and 3 shall not apply to Indian Commerce Constituencies.

(2) Three copies each of the preliminary and final electoral rolls of an Indian Commerce Constituency shall be kept by the Returning Officer thereof. The said rolls shall not be destroyed until after the final publication of a fresh electoral roll

(3) The papers mentioned in paragraph (2) and in entries 1, 3, 4 (*a*), (*b*), (*c*) and 6 of the Schedule hereto, shall be open to inspection by the public

Schedule.

Description of document or record.	By whom kept.	Period for which kept.
1. Preliminary electoral rolls published under Regulation 2 (*1*) of Part II (3 copies of each roll).	The Collector of the district to which any part of the roll relates, in respect of that part.	One year.
2. Claims or objections to registration made under Regulation 3 (2) of Part II or Regulation 1 (*1*) (*d*) of Part VII and the order of the revising authority thereon.	The authority authorised to receive the same.	One year.
3. Final electoral rolls . 3 copies of each roll.	The Collector of the district to which any part of the roll relates, in respect of that part.	Until the final publication of a fresh or revised electoral roll.

Description of document or record.	By whom kept.	Period for which kept.
4. The following Miscellaneous papers — (a) Nomination papers, (b) Declarations of appointment of agents and cancellations thereof, (c) Withdrawals of candidates, (d) The papers mentioned in Regulations 5 and 6 of Part V.	The Returning Officer of the Constituency concerned.	One year.
5. Returns of election expenses lodged by candidates under R. 19 (1) of the Legislative Assembly Electoral Rules	The Returning Officer with whom they are lodged.	One year.
6. Election petitions presented under Rule 32 of the Legislative Assembly Electoral Rules, the findings of the Commissioners thereon, and the evidence recorded.	The Secretary to the Legislative Department of the Government of India.	Three years.

FORM I.

FORM OF FRONT OF BALLOT PAPER.

Counterfoil.
Serial No.

Outerfoil
Front.

Constituency—

Name or number of polling station—

Number of elector on electoral roll—

Signature or thumb impression of elector—

Name and Symbol of Candidate.	Cross.

NOTE.—It is considered important that the whole of the outerfoil of the Ballot paper should be taken up by the cage containing the names and symbols of candidates and spaces for recording votes.

Back of Outerfoil

Instructions.

(1) The number of members for whom you may vote is—

(2) Place a cross mark thus × against the name of $\frac{\text{the candidate}}{\text{each of the candidates}}$ for whom you wish to vote

(3) The mark should be placed against not more than

Serial No.

FORM I-A.

FORM OF FRONT OF BALLOT PAPER.

Counterfoil.
Serial No.

Outerfoil.
Front.

Constituency——————

Name or number of polling station——————

Number of elector on electoral roll——————

Signature or thumb impression of elector——————

——————

Name of Candidate.	Cross.

NOTE.—It is considered important that the whole of the outerfoil of the Ballot paper should be taken up by the cage containing the names of candidates and spaces for recording votes.

Back of Outerfoil.

Instructions.

(1) The number of members for whom you may vote is——————

(2) Place a cross mark thus × against the name of the candidate / each of the candidates,—for whom you wish to vote.

(3) The mark should be placed against not more than

Serial No.

Form II.

Tender Votes List.

Polling Station

Name of Constituency.	Name of Voter.	Number in Electoral Roll.	Number of votes recorded	Signature or thumb impression of voter.

Form III

List of Challenged Votes.

Signature sheet No

Number on Electoral Roll	Name.	Signature of voter if literate or thumb impression of voter if illiterate	Name of identifier if any.

Order of Presiding Officer (in each case)

FORM IV.

NOTICE—*Under Regulation 3 (1), Part II of the Legislative Assembly Electoral Regulations.*

1 (*a*) The Electoral Rolls of the following constituencies for the* of are hereby published in accordance with Regulation 2, Part II·—

The	Non-Muhammadan Urban Constituency.
The	Muhammadan Urban Constituency.
The	Non-Muhammadan Rural Constituency.
The	Muhammadan Rural Constituency.
The	European Constituency.
The	Landholders' Constituency.

(*b*) The Electoral Rolls of the following constituencies are not published in this area because there are no persons qualified to vote in them in this area·—

The	Non-Muhammadan Urban Constituency.
The	Muhammadan Urban Constituency.
The	Non-Muhammadan Rural Constituency.
The	Muhammadan Rural Constituency
The	European Constituency.
The	Landholders' Constituency

2. Any person entered on the roll who objects to any entry in the roll or any person claiming to be entered in the roll should lodge his claim or objection in the following manner:—

(*a*) Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number, if any, in the electoral roll and the area in the roll for which he is entered and in the case of any objection, the number in the electoral roll of the person to whose entry objection is taken and the area in the roll for which he is entered

(*b*) Four copies of the claim or objection shall be delivered or sent by post so as to reach the office of the judge authorised to receive the claim or objection under these regulations on or before the tenth day from the publication of the roll, excluding the day of such publication.

(*c*) A claim, or objection which is not lodged in the manner herein prescribed, or by a person not entitled to lodge the same, shall be rejected.

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* Here specify area.

3 Claims and objections relating to a roll for any area stated in column I should be sent to the person entered against such area in column II of the table annexed:—

Table.

The City of Bombay . . .	The Chief Judge of the Court of Small Causes.
The Municipal District of Karachi, the Cantonments of Karachi and Manora, and the limits of the Karachi Port Trust	The Judge of the Court of Small Causes, Karachi.
The Municipal District of Ahmedabad, the Cantonment of Ahmedabad and the notified areas of Kankaria, Asarwa, Ellis Bridge, and Sabarmati	The Judge of the Court of Small Causes, Ahmedabad.
The Municipal District of Poona, the Suburban Municipal District of Poona, and the Cantonments of Poona and Kirkee.	The Judge of the Court of Small Causes, Poona.
Any other area	The Subordinate Judge within the local limits of whose ordinary jurisdiction the area is situate.

NOTE.—Non-relevant entries in (a) and (b) should be cancelled. The cancellation will be alternate, i e , those entries which are cut out in paragraph (a) will stand in paragraph (b) and *vice versa*.

N B —A full statement of the qualifications fo each constituency can be seen at the Taluk Kacheri

3.—BENGAL.

NOTE.

Constituencies.	*No. of Members.*
Non-Muhammadan	6
Muhammadan	6
European	3
Landholders	1
Indian Commerce	1*

Legislative Assembly (Bengal) Electoral Regulations. (Legislative Department Notification No. 185, dated the 17th August 1923, as amended by Notifications Nos. 236 and 242, dated the 27th October, 1923, and the 6th November, 1923, respectively.)

REGULATIONS FOR THE ELECTION OF MEMBERS TO THE LEGISLATIVE ASSEMBLY FROM BENGAL.

Preliminary.

Definition.

1 In these regulations, which may be called the Bengal—Legislative Assembly Electoral Regulations,—

(1) "Revising authority" means such persons as the returning officer may appoint in writing to perform all or any of the duties of the revising authority under these regulations in respect of any constituency or part of a constituency

(2) "Attesting officer" means such officer as the local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the attesting officer under these regulations, and includes any officer deputed for the time being to perform his duties by the attesting officer, by an order in writing, of which a copy shall be sent to the returning officer.

(3) "Rule" means a rule included in the Legislative Assembly Electoral Rules

The Appointment of a Returning Officer.

2. The returning officers for the constituencies mentioned in the first column of Schedule I hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof.

3. (1) The person specified in the third column of the said Schedule may, subject to the control of the returning officer, perform all or any of the functions of the returning officer in the constituencies respectively specified in the corresponding entry in the first column thereof:

Provided that no such person shall perform any of the functions of a returning officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes,

* This member is elected in rotation by three Associations.

unless the returning officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by a person specified in the corresponding entry in the third column of that Schedule

(2) References to the returning officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1)

Preparation of Electoral Roll.

4 The electoral roll for every constituency specified below shall be prepared by the authority (hereinafter referred to as the "registering authority") noted against each —

(1) a Calcutta constituency, by the Chief Executive Officer, Calcutta Corporation,

(2) a general constituency, other than a Calcutta constituency —

(a) when it comprises a single division, or part of a division extending over more than one district, by the Commissioner of that division,

(b) when it comprises the whole or part of more than one division, by such officer as the local Government may, by notification in the local official Gazette, appoint,

(3) the landholders' constituency, by the Member, Board of Revenue,

(4) an Indian Commerce constituency, by such officer as the local Government may, by notification in the local official Gazette, appoint

5 For the purpose of preparing the electoral roll the registering authority may employ such agency as he thinks fit

6. The electoral roll of each constituency shall be prepared in such form and in such language as may be prescribed by the local Government

7 The registering authority may divide a constituency into electoral areas for the purpose of facilitating the preparation of the electoral roll, and so much of the roll as relates to an electoral area may be separately prepared

8 The electoral roll of every constituency specified below shall be published by the registering authority in the manner noted under each —

(1) a Muhammadan or non-Muhammadan rural constituency —

(a) so much of the roll as relates to each chaukidari union, at the office of the panchayat,

(b) so much of the roll as relates to each union constituted under the Bengal Village Self-Government Act, 1919, at the office of the union board,

(c) so much of the roll as relates to the jurisdiction of each police-station, at the police-station;

(d) so much of the roll as relates to each sub-division, at the sub-divisional office;

(e) so much of the roll as relates to the area included within the jurisdiction of each sub-registry office, at such office;

(f) so much of the roll as relates to each municipality, at the municipal office, and the portion of the roll relating to each ward of a municipality, at a convenient place within the ward;

(g) so much of the roll as relates to the area included within the jurisdiction of each munsif's court, at such court, and the portion of the roll relating to the jurisdiction of the munsifs' courts located at headquarters of districts, at the District Judge's Court;

(h) a complete copy of the roll, at the offices of the registering authority and of the returning officer,

(2) a Muhammadan or non-Muhammadan urban constituency—

(a) so much of the roll as relates to each municipality or cantonment, at the municipal or cantonment office, and the portion of the roll relating to each ward, at a convenient place within the ward,

(b) a complete copy of the roll, at the offices of the registering authority and of the returning officer,

(3) the European constituency.—

(a) so much of the roll as relates to each district and sub-division, at the district and sub-divisional offices, respectively,

(b) so much of the roll as relates to Calcutta, at the office of the Chief Executive Officer, Calcutta Corporation;

(c) a complete copy of the roll, at the offices of the—

(i) registering authority,

(ii) returning officer.

(4) the Landholders' constituency:—

(a) so much of the roll as relates to each district and sub-division at the district and sub-divisional offices, respectively;

(b) so much of the roll as relates to the area included within the jurisdiction of each munsif's court, at such court, and the portion of the roll relating to the jurisdiction of the munsif's courts located at headquarters of districts, at the District Judge's Court;

(c) so much of the roll as relates to Calcutta, at the office of the Chief Executive Officer, Calcutta Corporation;

(d) a complete copy of the roll at the offices of the—

(i) registering authority,

(ii) returning officer

(5) an Indian commerce constituency —

a complete copy of the roll at the offices of—

(i) the registering authority,

(ii) the returning officer

9. A notice shall be published, together with the electoral roll, when published under Regulation 8, specifying for each electoral area the revising authority to whom, the place at which, and the period referred to in Regulation 10 within which claims for being included in the electoral roll, or objections to any names entered in the roll, are to be preferred

All such claims and objections shall be addressed to the Revising authority and shall be presented in rural constituencies to the registering authority or Sub-divisional Magistrate of the Sub-Division to which the claimant or objector belongs and in urban constituencies to the registering authority or direct to the revising authorities

10. All such claims and objections to the roll shall be made in writing on the lines of specimen forms IX X, XI and XII annexed hereto within thirty days from the date of the publication of the roll under Regulation 8 and where objection is made to the inclusion in the roll of any person whose name appears therein, shall contain in respect of such person all the particulars entered in the roll· Provided that if it appears necessary for the proper preparation of the roll, the local Government may, by notification in the local official gazette, prescribe a longer period within which claims and objections shall be preferred in respect of the electoral roll of any constituency. A claim shall be signed by the person desiring his name to be included in an electoral roll and shall be presented either by himself personally or through an agent authorised in writing

No person shall prefer an objection to the inclusion of any name on the roll of a constituency unless his name is already entered in the roll of that constituency Applications for the transfer of a name from the roll of one constituency to that of another constituency are inadmissible If any person desires such a transfer he shall prefer an objection to the inclusion of his name in the one roll and a second and separate claim for the inclusion of his name in the other roll

10-A (1) The registering authority, or in any case where the registering authority is a Commissioner of a Division or the Member, Board of Revenue, his agent employed under regulation 5, shall, within the period prescribed in regulation 10, make an application to the revising authority for the making of any corrections in the roll—such as the removal of duplicate entries or the expunging of the names of persons who are dead or subject to any legal incapacity—which he considers necessary to the production of a complete and accurate roll

(2) Except where such application is for the correction of a clerical or printing error, the revising authority shall serve on each of the persons affected by the application a notice specifying the correction which it is proposed to make in the roll and the place where and the time when objections to the proposed correction will be heard

11 The revising authority shall not entertain any claim or objection received after the time referred to in Regulation 10.

12 A register of all claims and objections shall be maintained by the registering authority and Sub-divisional Magistrates in rural constituencies and by the registering authority and revising authorities in urban constituencies Every person whose claim or objection is received in time shall be served with a notice by the revising authority specifying the place where and the time when his claim or objection will be heard, and directing him to be present with such evidence as he may wish to adduce.

13 When objection is made by any person whose name is on the roll to the inclusion of the name of any other person recorded therein, the revising authority shall serve on such other person a notice giving the grounds on which the inclusion of his name has been objected to, and requiring him to attend with such evidence as he may wish to adduce at the place and time fixed for the hearing of the objection

14 Every notice issued by the revising authority shall, if possible, be served personally, and, in default of personal service, shall be served by affixing a copy thereof at the residence within the constituency of the person concerned Provided that a notice may be served by the revising authority by sending it to the person concerned by registered post A certificate of service, either personal or otherwise, shall be deemed to be conclusive proof of the fact of such service.

15 At the time fixed for the hearing, the revising authority shall hold a summary enquiry into the claim or objection preferred, and shall record his decision He shall also, after considering any verbal or written objections that may be preferred, decide on any application made by the registering authority for corrections to the roll. For the purpose of the enquiry the roll as published under Regulation 8 shall be presumed to be correct and complete until the contrary has been proved.

No party shall be represented by any legal practitioner at any proceeding under this regulation.

16 The decision of the revising authority shall be communicated by him to the registering authority and to the agent, if any, employed under regulation 5, and such registering authority or agent shall cause the roll to be altered in accordance therewith. The revising authority shall also direct the registering authority to correct any clerical or printing errors which he may himself discover in the roll.

17. The electoral roll so altered shall be published in the manner prescribed in Regulation 8, and provision may be made for the sale of copies of the roll to the public.

18. Applications under sub-rule (6) of rule 9 for amendment of any electoral roll published under Regulation 17 may be made to the registering authority for the constituency concerned The registering authority shall forward them to the local Government which shall transmit them to the Governor General in Council and in cases where the Governor General in Council directs the preparation of a list of amendments shall deal with such applications in the manner prescribed in Regulations 12 to 17 for the treatment of claims and objections· Provided that where any such application is made for the correction of any existing entry in the electoral roll and the registering authority is satisfied after personally hearing the applicant that the entry relating to him is erroneous or defective in any particular he may amend the roll or cause it to be amended accordingly.

Nominations.

18-A In each of the following constituencies, namely, the Chittagong and Rajshahi Divisions (Non-Muhammadan) constituency, the Burdwan and Presidency Divisions (Muhammadan) constituency, the Bengal (European) constituency, and the Bengal Landholders' constituency, nomination papers may be delivered under sub-rule (3) of rule 11 either to the Returning Officer or to the District Magistrate of any district included in the constituency Such District Magistrates are hereby authorised to receive nomination papers delivered in accordance with this rule

Scrutiny of Nominations.

19. On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11

20 (1) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds —

(i) that the candidate is ineligible for election under rule 5 or rule 6, or

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11, or

(iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12, or

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder as the case may be, or

(v) that the signature of the candidate or any proposer or seconder, is not genuine or has been obtained by fraud.

(2) For the purpose of this regulation:—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or that the proposer or seconder, as the case may be, is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

21 (1) [illegible]
his decision [illegible]
paper is re[illegible]
reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed

22 On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under *sub-rule (8) of rule 11, the returning officer shall forthwith* prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

23 If the number of duly nominated candidates is greater than the number of vacancies the returning officer shall forthwith publish in the local official Gazette, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order.

Voting.

24. The Local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date or dates appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hours of polling shall ordinarily be uniform within each constituency but the Local Government may in the case of any constituency prescribe different hours of polling within different areas.

The hours appointed for polling shall be published by notification in the local official gazette and in such other manner as the Local Government may direct.

25 (1) The returning officer shall select for each constituency as many polling stations as he thinks necessary and shall publish, in such manner as the local Government may prescribe, a list showing the polling stations so selected, and the polling areas for which they have respectively been selected.

(2) The returning officer shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary

(3) Polling officers may, if so directed by the presiding officer, perform all or any of the duties assigned to presiding officers under these regulations

(4) If the presiding officer owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his duties shall be performed by one of the polling officers who shall be duly authorised in this behalf by the returning officer

26 (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers the candidates, and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate, and authorised in this behalf by the returning officer,

(b) the police or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the local Government under Regulation 24, so as to prevent the admission thereto of any voter after that hour, provided that all voters present at the polling station before it is so closed shall be entitled to have their votes recorded

27 Each polling station shall be furnished with such number of compartments, in which voters can record their votes screened from observation, as the returning officer thinks necessary

As far as possible separate compartments and separate entrances and exits shall be provided for women electors Suitable arrangements shall be made for recording the votes of *pardanashin* female voters, as far as is practicable

28 (1) The returning officer shall provide at each polling station materials sufficient for the purpose of enabling voters to mark the ballot papers, instruments for stamping the official mark on such papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station.

(2) The official mark shall be kept secret, and a period of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency.

29 Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

30 Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district

31 Immediately before a ballot paper is delivered to an elector, it shall be marked on the back with the official mark, and the number, name and description of the elector as stated in the electoral roll shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station.

32 The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there make a mark on the ballot paper against the name of the candidate or candidates for whom he intends to vote in accordance with the instructions set out on the outerfoil paper, and fold it up so as to conceal his vote, and, after shewing to the presiding officer the official mark, shall put his ballot paper, so folded up, into the ballot box Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box

33. If the voter, owing to illiteracy or infirmity, is unable to read a ballot paper or to make a mark thereon the presiding officer shall mark the vote in the ballot paper according to the direction of the voter The voter shall then himself or with the assistance of the presiding officer put the ballot paper folded up into the ballot box.

34. At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions:—

(1) Are you the person enrolled as follows (reading the whole entry from the roll)? and

(2) Have you already voted at the present election in this constituency?

and at a general election

(3) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.

35 The ballot paper shall be in Form I annexed to these regulations and shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames The ballot papers shall be serially numbered, the serial number being printed on the face of the counterfoil and on the back of the ballot paper.

36 If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter Such ballot paper (hereinafter referred to as a "tendered ballot paper") shall be of a colour different from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the returning officer The name of the voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form II annexed to these regulations, which shall bear the heading "Tendered votes list" The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list

37 (1) If any polling agent declares and undertakes to prove, or if the presiding officer for any reason is clearly of opinion, that any person by applying for a ballot paper has committed the offence of personation, the presiding officer shall require such person to enter in the list of challenged votes (which shall be in Form III annexed to these regulations) his name and address, or if he is unable to write, to affix his thumb impression thereto If such person refuses to comply with such requisition he shall not be permitted to vote, but if he does so comply, he shall be allowed to vote, after he has been warned of the penalty for personation, provided that he answers in the prescribed manner the questions mentioned in regulation 34

(2) The presiding officer shall in every such case whether or not the person is allowed to vote, make a note of the circumstances in the list of challenged votes

38 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of

the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled.

39 (1) A presiding officer, polling officer or polling agent, who being an elector of any constituency is duly authorised or appointed for duty at a polling station at which he is not entitled to vote, may apply to the returning officer of the constituency for a certificate entitling him to vote at that polling station but at no other, provided that such polling station is within the constituency. On the production of such certificate he shall be allowed to vote at that polling station.

(2) Application for such certificate shall be made to the returning officer not less than 5 days before the first date fixed for polling in that constituency. The certificate shall be in Form XIII annexed to these regulations and a copy thereof shall be sent by the returning officer to the presiding officer of the polling station at which the voter would otherwise have been entitled to vote

40 The vote of any person to whom a certificate has been granted under Regulation 39 shall be recorded in the manner prescribed in Regulations 31 to 38; provided that before such vote is recorded the certificate shall be handed to the presiding officer or in the case of a certificate granted to the presiding officer himself shall be filed by him along with any certificates handed to him under this regulation

41 The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal:—

(1) each ballot box in use at each station unopened but with the key attached,

(2) the unused ballot papers;

(3) the tendered ballot papers,

(4) the spoilt ballot papers,

(5) the marked copy of the electoral roll and any certificates handed to or filed by the presiding officer under regulation 40;

(6) the counterfoils of the ballot papers;

(7) the tendered votes list; and

(8) the list of challenged votes;

and shall deliver such packets or cause them to be delivered to the returning officer

42 The packets shall be accompanied by a statement in Form IV made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, and ballot papers dealt with under Regulation 39

Counting of Votes.

43. (1) The Returning Officer shall appoint a time, place and date (which shall be as soon as practicable after the close of the poll) for the counting of votes, and shall give notice thereof, in writing to all candidates and election agents.

(2) If, at the time appointed, all the ballot boxes have not been received by the Returning Officer, or if from any other unavoidable cause he is unable to proceed with the counting of votes, he shall postpone the counting to some other time and date, and shall give notice thereof in writing to the candidates and election agents

44. (1) No person shall be allowed to be present at the counting of the votes except the returning officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election

45 On the day and at the time appointed under Regulation 43 the returning officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(a) The ballot box or boxes relating to each polling station shall be opened one after another, and the returning officer shall take out the papers therefrom, count them or cause them to be counted, and record the number thereof in a statement Such statement shall not be shown to any candidate or agent until after the verification provided for in Regulation 47

(b) After the number of ballot papers received in each box from each polling station has been recorded, the papers from all the boxes shall be mixed together They shall then be sorted according to the candidates for whom they have been cast, and distributed in convenient bundles to persons appointed to assist in counting the votes

(c) When the ballot papers have been so distributed, but not before the returning officer shall allow the candidates and their agents duly authorised under sub-rule (6) of rule 14 of the Legislative Assembly Electoral Rules reasonable opportunity to inspect, without handling the ballot papers, and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected." If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection No candidate or agent shall be allowed to see any serial number on the back of any ballot paper

(*d*) The returning officer shall, as far as practicable, proceed continuously with the counting of the votes; and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

46 (1) A ballot paper shall be rejected if—

(*a*) it has not on its back the official mark,

(*b*) the number of votes recorded thereon exceeds the number of vacancies to be filled,

(*c*) no vote is recorded thereon,

(*d*) it is void for uncertainty,

(*e*) it bears any mark by which the elector can be identified.

(2) The decision of the returning officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat

47 The Returning Officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoils of the ballot papers He shall verify the statements submitted by the presiding officer under Regulation 42 by comparing them with the statement prepared under Regulation 45 (*a*) and the latter with the number of counted votes and rejected ballot papers, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and date of the election to which it refers

48 The returning officer shall then prepare and certify a return setting forth—

(1) the result of the verification referred to in Regulation 47,

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected,

(5) the number of votes declared invalid, and

(6) the number of tendered votes given,

and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy of or an extract from such return.

49. (1) The returning officer shall, after reporting the result of the election under rule 14, forward the return to the Secretary to the Bengal Legislative Council.

(2) With the exception of the packets and documents mentioned in Regulation 82, all papers relating to the election shall be forwarded by the returning officer direct to the Commissioner of the Division

in which the election has been held or where such Commissioner is himself the returning officer shall be kept in his own custody provided that in the case of a special constituency, a Calcutta constituency or the European constituency all such papers shall be forwarded to the Commissioner of the Presidency Division

(3) The packets and documents mentioned in regulation 82 shall be disposed of by the returning officer in the manner set out in the said regulation and shall be forwarded by him direct to the places and authorities mentioned therein.

50. (1) While in the custody of the Commissioner of a Division, the packets of ballot papers whether counted, rejected or tendered, and of the counterfoils thereof shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court, or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Local Government may impose

(2) Copies of returns by the returning officer shall be furnished by the Secretary to the Bengal Legislative Council on payment of a fee of Rs 2 for each copy

51 The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioners appointed to hold an enquiry in respect of an election

Special Regulations applicable to an Indian Commerce Constituency

52 In the case of an election for an Indian Commerce constituency Regulations 24 to 48 inclusive shall not be applicable, and the following Regulations 53 to 57 inclusive, shall be substituted therefor and shall apply

53 On or before the date fixed in this behalf by the local Government the returning officer shall send by registered post to each elector a ballot paper, together with an intimation of the date appointed by him for the counting of votes and shall enter on the counterfoil of each ballot paper the name of the elector to whom the ballot paper is sent

The ballot paper, together with such intimation, shall be sent to the latest known address of the elector as registered in the office of the Chamber, Association or Sabha comprising the constituency

The form of the ballot paper in the case of an Indian Commerce constituency, shall be in Form V annexed to these regulations

54 Any elector may send his ballot paper to the returning officer after recording his vote thereon in accordance with the instructions on the ballot paper, provided that voting papers which are not received by the returning officer before 5 P M on the day preceding the date fixed for the counting of votes shall be rejected

55. Any ballot paper which is not duly marked, or on which more than one mark is placed against any candidate's name, or on which votes are given to more candidates than there are members to be elected, *or on which a mark is placed* in such a manner as to make it doubtful to which candidate it has been given, shall be invalid.

55-A When a ballot paper sent by post under regulation 53 is for any reason returned undelivered, the returning officer may re-issue it by registered post or himself hand it over to the voter on his personally applying for the same, but duplicate ballot papers shall not be issued except in cases where a voter has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such In such cases the voter may on delivering it personally to the returning officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper and the latter shall with its counterfoil be marked as cancelled

56 (1) The *returning officer* shall *appoint a* date, time and place for the counting of votes, and shall give notice thereof in writing to the candidates

If at the time appointed the returning officer from any unavoidable cause is unable to proceed with the counting of votes, he shall postpone the counting to some other time and date and shall give notice thereof in writing to the candidates and election agents

(2) On the day and at the time and place appointed the Returning Officer shall first of all read the provisions of section 14 of the Indian Elections Offences and Enquiries Act, 1920 to such persons as may be present and shall then—

(*a*) after scrutiny, separate, or cause to be separated, the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection;

(*b*) count, or cause to be counted, the votes given to each candidate, and declare the candidate, or candidates, with the largest number of valid votes to be elected;

(*c*) upon the completion of counting, prepare and certify a return setting forth—

(i) the number of valid votes given for each candidate;

(ii) the number of votes declared invalid and rejected;

(iii) the name of the person declared elected;

(*d*) permit any candidate or representative duly authorised under sub-rule (6) of rule 14 to take a copy of, or an extract from, the return, and

(*e*) seal up in separate packets the counted and rejected ballot papers, and record on each such packet a description of its contents and the name of the constituency and the date of the election to which it refers

57. The local Government shall appoint and notify in such manner as it thinks fit the date referred to in Regulation 53.

Special Regulations applicable to the Landholders' Constituency.

58. In the case of an election for the landholders' constituency Regulations 24 to 48 shall not be applicable and the following Regulations 59 to 66 inclusive, shall be substituted therefor, and shall apply

59 On or before such date as may be appointed by the local Government in this behalf, the returning officer shall send by registered post to each elector a ballot paper in Form VI annexed to these regulations, together with an intimation of the date appointed by him for the counting of votes, and shall enter on the counterfoil of each ballot paper, the name of the elector to whom the ballot paper is sent The ballot paper, together with such intimation, shall be sent to the address of the elector as shown in the electoral roll

60 On or before such date as may be appointed by the local Government in this behalf, but not later than 5 P M on that date, each elector desirous of recording his vote shall sign the declaration on the back of the ballot paper in the presence and at the office of an attesting officer, and the attesting officer shall thereupon attest his signature.

61. The elector shall then proceed to a place set apart for that purpose by the attesting officer, and screened from observation, and there shall record his vote on the ballot paper in accordance with the instructions contained therein, and after placing the ballot paper in an envelope, and closing the same, shall deliver it to the attesting officer.

62 If an elector is unable to read or write, or by reason of some physical defect is incapacitated from recording his vote, the attesting officer shall assist him in such manner as may be necessary to mark the ballot paper and to sign the declaration thereon

63 The attesting officer shall, as soon as possible after 5 P M of the day appointed as the latest date for the attestation of ballot papers, despatch all the envelopes so delivered to him to the returning officer by registered post in a packet securely sealed with his official seal, and shall also enclose a list, in Form VII annexed to these regulations, of the electors whose ballot papers he has attested

64 A ballot paper that is not duly attested, or marked, or on which more than one mark is placed against any candidate's name or on which votes are given to more candidates than there are members to be elected or on which a mark is placed in such a manner as to render it doubtful to which candidate it has been given shall be invalid

64-A Where a ballot paper sent by post under regulation 59 is for any reason returned undelivered the returning officer may re-issue it by registered post or himself hand it over to the voter by his personally applying for the same but duplicate ballot papers shall not be issued except in cases where a voter has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such In such cases, the voter may on delivering it personally to the returning officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper and the latter shall with its counterfoil be marked as cancelled.

65. (1) The returning officer shall appoint a date, time and place for the counting of votes, and shall give notice thereof in writing to the candidates If at the time appointed, the returning officer, from any unavoidable cause is unable to proceed with the counting of votes, he shall postpone the counting to some other time and date and shall give notice thereof in writing to the candidates and election agents

(2) On the day and at the time and place appointed the returning officer shall first of all read the provisions of section 14 of the Indian Elections Offences and Enquiries Act, 1920, to such persons as may be present and shall then fold the lower portion of every ballot paper along the dotted line on the back so as to conceal the names of the elector and of the attesting officer and should seal down the portion thus folded with the official seal and thereafter shall—

(a) after scrutiny, separate or cause to be separated the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection;

(b) count, or cause to be counted, the votes given to each candidate and declare the candidate, or candidates, with the largest number of votes to be elected;

(c) upon the completion of the counting, prepare and certify a return setting forth—

(i) the number of valid votes given for each candidate;

(ii) the number of votes declared invalid and rejected;

(iii) the name of the person declared elected,

(d) permit any candidate or his agent to take a copy of, or an extract from, the return,

(e) seal up in separate packets the counted and rejected ballot papers, and record on each such packet a description of its contents and the name of the constituency and the date of the election to which it refers.

66 The local Government shall appoint and notify in such manner as it thinks fit the date referred to in Regulation 59 for sending ballot papers to electors and the date referred to in Regulation 60 for the attestation of ballot papers.

Special Regulations applicable to the Bengal (European) Constituency.

67 In the case of an election for the Bengal (European) constituency, Regulations 45 to 48 shall not be applicable and the following Regulations 68 to 81 inclusive shall be substituted therefor, and shall apply.

68. In the following regulations—

(1) the expression "continuing candidate" means any candidate not elected and not excluded from the poll;

(2) the expression "first preference" means the figure "1"; the expression "second preference" means the figure "2"; and the expression "third preference" means the figure "3", set opposite the name of any candidate, and so on;

(3) the expression "transferable paper" means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate,

(4) the expression "non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate

Provided that a paper shall be deemed to be a non-transferable paper in any case in which—

(*a*) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or

(*b*) the name of the candidate next in order of preference (whether continuing or not) is marked—

(i) by a figure not following consecutively after some other figure on the ballot paper, or

(ii) by two or more figures

(5) the expression "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate,

(6) the expression "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate;

(7) the expression "surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota

69 The ballot paper shall contain the names of the candidates arranged alphabetically in the order of their surnames It shall be in the form set out in Form VIII annexed to these regulations.

70 (1) Every elector shall have one vote only

(2) An elector in giving his vote—

(*a*) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes;

(*b*) may, in addition, place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4, and so on, in the squares opposite the names of other candidates in the order of his preference

71 A ballot paper shall be invalid on which—

(*a*) the figure 1 is not marked, or

(*b*) the figure 1 is set opposite the name of more than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or

(*c*) the figure 1 and some other figure are set opposite the name of the same candidate;

(*d*) any mark is made by which the voter may afterwards be identified

72. On the day and at the time and place appointed under Regulation 43 for the counting of votes the returning officer shall first of all read out the provisions of section 14 of the Indian Elections

Offences and Enquiries Act, 1920, to such persons as may be present and shall then open the ballot box, and, after scrutiny, separate the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection, and after rejecting any that are invalid, shall arrange the remainder in parcels according to the first preferences recorded for each candidate

73 The returning officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

74 The returning officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of a candidate (hereinafter called the "quota")

75 If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be declared elected

76 (1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this regulation to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate, as being next in order of the voters' preference

(2) (a) If the votes credited to an elected candidate consist of original votes only, the returning officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon

(b) If the votes, credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-parcel last received by the elected candidate and shall arrange the transferable papers therein in further sub-parcels according to the next preferences recorded thereon.

(c) In either case the returning officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the returning officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next preference.

(4) (a) If the total number of transferable papers is greater than the surplus, the returning officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers

(*b*) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers A note shall be made of the fractional parts, if any, of each number so ascertained

(*c*) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored

If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the larger which arises from the larger sub-parcel, and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes

(*d*) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel

(*e*) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made

(5) (*a*) If more than one candidate has a surplus, the largest surplus shall be first dealt with

(*b*) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the returning officer shall decide which surplus he will first deal with

(*c*) The returning officer need not transfer the surplus of an elected candidate when that surplus, together with any other surplus not transferred, does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll

77 (1) If at any time no candidate has a surplus (or when under the preceding rule any existing surplus need not be transferred) and one or more vacancies remain unfilled, the returning officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the returning officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding regulation

(3) If, when a candidate has to be excluded under this regulation, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes

credited to each of those candidates, and the candidate with the fewest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the numbers of votes credited to those candidates were equal at all transfers, the returning officer shall decide which shall be excluded.

78 (1) Whenever any transfer is made under any of the preceding regulations, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in Regulation 77 before any other candidate is excluded

79 (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected

(3) When the last vacancies can be filled under this regulation, no further transfer of votes need be made

80 Any candidate, or his duly authorised representative in his absence, may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the returning officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the returning officer shall forthwith re-examine and recount the same accordingly. The returning officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count

Provided that nothing herein shall make it obligatory on the returning officer to recount the same votes more than once

81 (1) The returning officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under Regulation 42 by comparing it with the number of counted votes and rejected ballot papers, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, seal up in separate packets the counted and rejected ballot papers, and record on each packet a description of its contents, the name of the constituency and the date of the election to which it refers.

(2) The returning officer shall prepare and certify a return setting forth—

(i) the number of valid votes given to each candidate,

(ii) the number of votes declared invalid and rejected,

(iii) the number of tendered ballot papers issued to electors as shown in the ballot paper account,

(iv) the names of the persons declared elected;

and permit any candidate or representative duly authorised under sub-rule (6) of rule 14 to take a copy of or an extract from the return.

Custody and Preservation of Election Papers.

82 (1) The following rules shall be observed for the custody and preservation of the election papers enumerated below —

(i) Claims and objections with reference to the preliminary electoral rolls.

(ii) Final electoral rolls

(iii) Nomination papers of candidates.

(iv) Withdrawals from candidature.

(v) Orders by returning officers regarding the division of constituencies into polling areas and appointment of polling stations for such areas

(vi) Appointment letters of agents of candidates

(vii) Lists of candidates nominated

(viii) Lists of ballot papers attested

(ix) Election petitions and proceedings and reports of election Commissioners thereon

(x) Returns of election expenses

(2) With the exception of papers in items (ii), (ix) and (x) of the above list, the said election papers shall, in the case of general constituencies except Calcutta constituencies, be kept in the general record-room of the district to which they relate In the case of Calcutta constituencies, the said papers shall be kept in the office of the Commissioner of the Presidency Division The said papers in respect of an Indian Commerce constituency shall be kept in the record-room of the Bengal Secretariat Papers relating to claims and objections decided by revising authorities shall be kept until the next revision of the electoral roll of the constituency to which they pertain has been completed, and shall then be destroyed Orders by returning officers under Regulation 25 shall be kept until the termination of the next general election for the constituencies, and shall then be destroyed The other papers [excluding those in items (ii) (ix) and (x)] shall be kept for a period of one year and shall then be destroyed, unless their retention for a longer period is otherwise ordered by competent authority.

(3) In the general constituencies—five complete copies of the final electoral rolls relating to each district shall be deposited in the Collectorate. Two copies of all final electoral rolls for areas comprised within each division shall be kept in the office of the Commissioner. In Calcutta, five copies of the final rolls for each constituency, or of so much of the roll as relates to that city, shall be kept in the office of the Chief Executive Officer of the Calcutta Corporation One complete copy of the electoral roll for each constituency shall also be kept for record in the Appointment Department of the Bengal Secretariat. In Indian Commerce constituency, two copies of the final electoral rolls shall be preserved in the office of the registering authority, and one such copy shall be kept in the Appointment Department of the Bengal Secretariat.

(4) Copies of electoral rolls so deposited shall be preserved permanently and shall, before deposit, be duly authenticated by the registering authority

(5) Printed copies of electoral rolls in excess of the number required for permanent record shall be deposited in the offices of the district officers concerned in the case of Muhammadan and non-Muhammadan constituencies, except in Calcutta, where they will be deposited in the office of the Commissioner, Presidency Division. Similar copies of rolls for the Bengal European constituency shall be preserved in the office of the registering authority concerned, and that for the Indian Commerce constituency in the record-room of the Bengal Secretariat. Spare copies of electoral rolls so deposited shall be available for sale to the public for a period of three years from the date of publication, after which they will be sold as waste paper under the orders of the authority with whom they are deposited

(6) The election petitions and proceedings and reports of election Commissioners, thereon, shall be kept in the Legislative Department of the Government of India and shall be destroyed after three years, unless their retention for a longer period is otherwise ordered by competent authority.

(7) The returns of election expenses lodged with returning officers shall be kept by them for three years and shall then be destroyed, unless their retention for a longer period is otherwise ordered by competent authority.

(8) The public shall have a right to inspect the election papers enumerated above and to get attested copies thereof on payment of the fees prescribed in the Bengal Records Manual, 1917, and in the rules for the management of the Secretariat record-room As an exception to this rule returns of election expenses shall be available for inspection at the offices of the returning officers of the constituencies concerned on payment of a fee of Re. 1 each, and copies of such returns shall be furnished on payment of a fee of Rs. 2 each.

Special Provision.

83. If any question arises as to the interpretation of these regulations otherwise than in connection with an election enquiry held under the electoral rules, the question shall be referred for the decision of the Governor General, and his decision shall be final.

I.

FORM I.

Form of Front of Ballot Paper

(Regulation 35)

Counterfoil. Serial No.

Outerfoil. Front.

Constituency——————

Number of polling station——————

Number of elector on electoral roll——————

Banerji	...
Chatterji	..
Chaudhuri	..
Ghosh	..
Roy	..

NOTE —It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names of candidates and spaces for recording votes and the instructions to voters

Instructions

(1) The number of members for whom you may vote is——————

(2) Place a cross thus × or a mark against the name of $\frac{\text{the candidates}}{\text{each of the candidates}}$ for whom you wish to vote

(3) The mark should be placed against not more than——————s

Back of outerfoil

Serial No

FORM II

Tendered Votes List

(Regulation 36)

Polling station

Name of constituency.	Name of voter	Number in electoral roll	Name or number of the polling station	Signature or thumb impression of voter and his address

FORM III.

List of challenged Votes.

(Regulation 37.)

Signature Sheet No........................

Number on electoral roll.	Name.	Signature of voter if literate or thumb impression if illiterate and address.	Name of identifier, if any.

Order of Presiding Officer (in each case).

FORM IV.

Ballot Paper Account.

(Regulation 42)

	Ordinary ballot papers.	Tendered ballot papers.
1. Number received by the presiding officer	..	..
2. Number of unused ballot papers returned	..	..
3. Number of spoilt ballot papers .	..	..
4. Number of tendered ballot papers used	..	..
5. Number of ballot papers dealt with under regulation . . .	..	..
6. Number in ballot box . . .	..	..

FORM V.

Form of Ballot Paper.

(Regulation 53)

Election for Constituency 19.

Counterfoil No.

Ballot paper No.

Datta, Birendra ..	..	..
Datta, Sailendra Nath	..	..
Ghosh, Sasanka ..	..	..
Ghosh, Tarapada ..	..	..
Sen, Kishori Mohan..	..	..

Signature of Elector

Address—

Instructions.

1. The date appointed for the counting of votes is 19 , and ballot papers must be sent to the returning officer so as to reach him before that date.

2. Not more than one vote may be given to any candidate

3. Votes may not be given to more candidates than there are members to be elected.

4. Place a mark opposite the name (or names) of the candidate (or candidates) for whom you wish to vote

FORM VI.

(Regulation 59)

Election for the Bengal Landholders Constituency, 19 .

Counterfoil
No

Datta, Birendra ..	..	..
Datta, Sailendra Nath	..	..
Ghosh, Sasanka ..	..	..
Gupta, Tarapada ..	.	..
Sen, Kishori Mohan..	.	..

Instructions.

1. Ballot papers shall be presented for attestation to an attesting officer in his office not later than 5 P.M. on the day of 19, .

The following have been appointed attesting officers:—

All District Magistrates, all Judges, all Subordinate Judges, all Munsifs, the Chief Presidency Magistrate, Calcutta, other stipendiary Presidency Magistrates, the Municipal Magistrate, Calcutta, the Collector of Calcutta, all Sub-divisional Magistrates, the Superintendent, Chittagong Hill Tracts, and the Political Agent, Tripura State.

The attesting officer shall attest the signature only of the voter but not of his vote, which should not be recorded in the presence of the attesting officer.

2 Place a mark opposite the name (or names) of the candidate (or candidates) for whom you wish to vote. After you have recorded your vote place the ballot paper in an envelope and deliver it to the attesting officer.

3. Not more than one vote may be given to any candidate.

4. Votes may not be given to more candidates than there are members to be elected

5. The date appointed for the counting of votes is day of 19 .

Decision of Returning Officer

Serial No

Form of back of Ballot Paper.

I hereby declare that I am the person whose name appears as No. on the electoral roll of landholders for the , constituency.

Elector.

(Fold on this line).

Signed in my presence at my office by the elector, who is personally known to me [or who has been identified to my satisfaction by

(Name) ....

(Address) ....

Attesting Officer.

FORM VII.

(Regulation 63)

The following is a complete list of the electors whose ballot papers have been attested by me:—

Name of constituency.	Serial number on electoral roll.	Name of elector.
1	2	3

Dated the *Attesting Officer*

FORM VIII

Form of Ballot Paper

(Regulation 69)

Election for the Bengal (European) Constituency, 192

Counterfoil.

	Names of candidates.	Mark order of preference in spaces below.
Serial Number	Armstrong, Richard . .	.
	Duncan, Robert .	.
Number of polling station	McInnes, Douglas .	.
Number of elector on electoral roll.	Robertson, Ivan .. .	.
	Sutcliffe, Christopher .. .	.
	Webster, John	..

Instructions.

1 Vote by placing the figure 1 in the square opposite the name of the candidate for whom you vote. Though there are more members than one to be elected only place the figure 1 opposite the name of *one candidate*

2. As regards the other candidates you may indicate your preference by putting in the square bracket opposite their names the figure of the order in which you would classify them, *i e.*, 2, 3. 4, etc You may show your preference in this way irrespective of the number of members to be elected

3 Do not place more than one figure opposite the name of any candidate.

Back of Ballot Paper.

Serial No.

FORM IX.

(REGULATION 10)

Claim

I claim to have my name entered in the electoral roll for the Muhammadan/Non-Muhammadan Constituency of the Legislative Assembly in respect of the qualification stated below —

1	2	3	4	5	6
Name of claimant in full.	Father's name or husband's name in the case of a married woman voter.	Place of residence.	Post Office.	Description of qualification claimed. (Here should be entered precise details giving rise to qualification.)	Remarks.

Dated the day of 193 . Signature

NOTE —In rural constituencies under column 3 "Place of residence" show the names of the village, the union and the thana in which the claimant resides. In urban constituencies columns 2 and 4 need not be filled in.

FORM X

(Regulation 10.)

Claim.

I claim to have my name entered in the electoral roll for the European constituency of the Legislative Assembly in respect of the qualification stated below:—

1	2	3	4	5
Name of claimant in full.	Whether European	Place of residence	Description of qualification claimed (Here should be entered precise details giving rise to qualification.)	Remarks.

Dated the day of 193 Signature

FORM XI

(Regulation 10)

Claim

I claim to have my name entered in the electoral roll for the Bengal* Landholders constituency of the Legislative Assembly in respect of the qualification stated below —

1	2	3	4
Name of claimant in full	Place of residence	Description of qualification claimed (Here shou'd be entered precise details giving rise to qualification)	Remarks,

Dated the day of 193 Signature

FORM XII.

(REGULATION 10)

Objection.

I hereby give you notice that I object to the name of being retained on the electoral roll for the constituency *of the Legislative Assembly for the following reasons:—*

(Here should be entered precise details as to the disqualification or the absence of qualification to be determined in accordance with the provisions of rules 7 and 8 and of Schedule II of the Legislative Assembly Electoral Rules)

Dated the day of 193 . Signature.

Number in the electoral roll of constituency of the Legislative Assembly in which the name of applicant is entered

---

FORM XIII.

(REGULATION 39)

A, B, being duly registered as voter No. in $\frac{\text{Ward}}{\text{Union}}$ No. District Constituency in the $\frac{\text{general}}{\text{bye-election}}$ $\frac{\text{for the Legislative Assembly}}{\textit{the Constituency of the Legislative Assembly}}$ and being duly $\frac{\text{authorised}}{\textit{appointed}}$ for duty as $\frac{\frac{\text{Presiding Officer}}{\text{Polling Officer}}}{\text{Polling Agent}}$ at polling station is entitled to record his vote at polling station and at no other during the said election.

Returning Officer,
Constituency.

SCHEDULE I.

[SEE REGULATIONS 2 AND 3.]

Name of constituency	Returning Officer.	Other persons authorised to perform the functions of returning officer.
1. Calcutta (Non-Muhammadan)	The Chief Presidency Magistrate, Calcutta	Other stipendiary Magistrates and the 1st and 2nd Municipal Magistrates, Calcutta.
2 Calcutta Suburbs (Non-Muhammadan)	Ditto .	Ditto.
3 Calcutta and Suburbs (Muhammadan).	Ditto .	Ditto.
4 A general constituency comprising a division or part of a division	Commissioner of the Division.	Personal Assistant to the Commissioner and District Magistrates.
5. Chittagong and Rajshahi Divisions (Non-Muhammadan)	Commissioner of the Rajshahi Division.	Ditto.
6 Burdwan and Presidency Divisions (Muhammadan).	Commissioner of the Presidency Division.	Ditto.
7 Bengal (European)	Member of the Board of Revenue.	Secretary to the Board of Revenue and Under Secretary to the Government of Bengal, Appointment Department
8. Bengal Landholders	Ditto .	Ditto.
9 Bengal Mahajan Sabha.	A member of the Executive Committee of the Bengal Mahajan Sabha appointed for the purpose by the Governor of Bengal in Council.	Other members of the Executive Committee of the Bengal Mahajan Sabha appointed for the purpose by the Governor of Bengal in Council.
10. Bengal National Chamber of Commerce	A Vice President of the Bengal National Chamber of Commerce appointed for the purpose by the Governor of Bengal in Council	An Honorary or Joint Honorary Secretary to the Bengal National Chamber of Commerce appointed for the purpose by the Governor of Bengal in Council.
11. Bengal Marwari Association.	Joint Secretary, Bengal Marwari Association	Personal Assistant to Secretary, Bengal Marwari Association

UNITED PROVINCES.

NOTE.—

Constituencies.	*No. of Members.*
Non-Muhammadan	*8*
Muhammadan	*6*
European	*1*
Landholders	*1*

Legislative Assembly (the United Provinces) Electoral Regulations (Legislative Department Notification No. 167, dated the 25th July, 1923, as amended by Notification No. 180, dated the 10th August, 1923. Also Notification No. 183, dated the 14th August 1923).

REGULATIONS FOR THE ELECTION TO THE LEGISLATIVE ASSEMBLY OF MEMBERS FOR URBAN AND RURAL CONSTITUENCIES

Under Rule 9 (2) of the Legislative Assembly Electoral Rules.

ELECTORAL ROLL.

1 (1) On or before such date as may be appointed by the local Government in this behalf an electoral roll shall be prepared for each constituency by such officer as the local Government may appoint for the purpose

(2) The electoral roll shall contain the name and father's name (in the case of a female elector the father's or husband's name) of every person entitled to be registered as an elector along with such other particulars as may be necessary to identify him.

2. (1) On and from the date so appointed the electoral roll shall be published by being open to inspection during office hours at the office of the District Officer

Provided that where a constituency extends over more districts than one, the complete electoral roll for the constituency shall be published by being open to inspection during office hours at the office of the District Officer of such one of those districts as may be prescribed by the local Government and extracts from the electoral roll relating to each district or portion of a district included in the constituency shall be published by being open to inspection during office hours at the office of the District Officer of that district.

(2) In urban constituencies copies of the electoral roll in Urdu and Nagri shall also be posted up at a conspicuous place at the municipal office and at such other place or places, if any, as the District Officer for the purpose of wider publication may direct:

Provided that where an urban constituency extends over more districts than one, extracts from the electoral roll relating to the area included in the constituency in each district shall be posted up at a conspicuous place at the municipal office in that area and at such other place or places, if any, as the District Officer for the purpose of wider publication may direct.

(3) In rural constituencies extracts from the electoral roll relating to each tahsil shall be posted up in Urdu and Nagri at a conspicuous place at the tahsil office, and shall be open to inspection there during office hours, and extracts shall also be posted up at such other place or places, if any, as the District Officer for the purpose of wider publication may direct

Provided that for non-Muhammadan electors in the Kumaun division such extracts shall be prepared in the Nagri character only.

(4) Along with the electoral roll and in similar manner shall be published a notice stating the time and place fixed for the receipt of claims and objections by revising authorities

Revision of the Electoral Roll

3 (1) The local Government shall appoint revising authorities for each constituency

(2) Every claim and objection must be preferred in writing on or before a date to be fixed in this behalf by the local Government and must state the qualifications or grounds on which the claim is based or the grounds on which the objection is made, as the case may be

(3) Every person making a claim or objection must do so on a separate petition, which shall be presented in duplicate to the revising authority either by such person himself or by his duly authorised agent at such place and time as may be fixed by the revising authority in this behalf

(4) The person presenting such petition shall at the time of presentation be informed of the date, time, and place fixed for the hearing of this petition

(5) Lists of the claimants and of the persons objected to shall be prepared in forms I, I-A and II respectively attached to these regulations in Urdu and Nagri and shall be published at the office of the revising authority for at least ten days before the date fixed for the hearing of such claims and objections

Provided that for non-Muhammadans in the Kumaun division such lists shall be prepared in the Nagri character only

(6) The revising authority shall as soon as practicable after receiving any petition of objection send a copy of the petition by post to the person in respect of whose registration as an elector the objection is made, and shall at the same time and in the same manner inform him of the date, time and place fixed for hearing the objection

4 At such place and from such time as the revising authority may appoint in this behalf the revising authority shall hear and determine all claims and objections which have been duly made and after such inquiry and after hearing such persons as to him may appear necessary, he may order any addition to or alteration in the electoral roll

5. The electoral roll, as so amended, shall be republished in the manner prescribed in regulation 2.

Under Rule 15 of the Legislative Assembly Electoral Rules

APPOINTMENT OF A RETURNING OFFICER.

6 The returning officers for the constituencies *mentioned in the* first column of the Schedule hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof

7 (1) The person specified in the third column of the said Schedule may, subject to the control of the returning officer, perform all or any of the functions of the returning officer in the constituencies respectively *specified in the corresponding entry in the first* column thereof

Provided that no such person shall perform any of the functions of a returning officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the returning officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any *constituency by the incumbent of the office first specified in the* corresponding entry in the third column of the Schedule or if there is no incumbent of that office, by the incumbent of the other office specified therein

(2) References to the returning officer in these regulations shall, unless contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to *perform under sub-regulation (1).*

SCRUTINY OF NOMINATIONS

8 On the date and at the time appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 each candidate, the election agent of each candidate, one proposer and one seconder of each candidate, and one other person duly authorised *in writing by each candidate* but no other person may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

9. (1) The returning officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objections or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:—

(i) that the candidate is ineligible for election under rule 5 or rule 6,

(ii) that the name of a proposer or seconder is not entered on the electoral roll of the constituency or, subject to the *provisions of sub-regulations (2) (b) and (3)* that a person whose name is entered in such roll has subscribed more nomination papers than one;

(iii) that there has been any failure to comply with any of the provisions of rule 11 (3), (5) or (6) or rule 12 (1);

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be,

(v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purpose of this regulation,—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6, and

(b) where a person has subscribed whether as proposer or seconder more than one nomination paper that paper so subscribed, which has been first received, shall be deemed to be valid

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

10 (1) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed unless objection is taken to a nomination In case an objection is made the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer must record his decision on the date to which the proceedings have been adjourned

11 (1) On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the returning officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

(2) If two or more candidates are duly nominated the returning officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe and in such other places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order He shall also cause their names to be entered in ballot papers in form III attached to these regulations and shall supply each presiding officer with a sufficient number of ballot papers

VOTING.

12 The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the Gazette and in such other manner as the local Government may direct.

13 (1) The District Officer shall within his district select for each constituency as many polling stations as he thinks necessary and shall publish, in such manner as the local Government may prescribe, a list showing the polling stations so selected and the polling areas for which they have respectively been selected

(2) The District Officer shall within his district appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary

14 (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers, the candidates, one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate and authorised in this behalf by the returning officer, (provided, that if one or more polling officers are appointed, the same number of additional polling agents so appointed and authorised may be admitted),

(b) the police or other persons on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the local Government under regulation 12, so as to prevent the admission thereto of any voter after that hour.

15. Subject to the provisions of regulations 28 and 29 no person shall be admitted to vote at any polling station except the one allotted to the polling area in which he has been registered as an elector.

Provided that in the cases of the Rohilkhand and Kumaon divisions non-Muhammadan and Muhammadan (Rural) constituencies a person entered in those parts of the electoral rolls which pertain to the Naini Tal tahsil of the Naini Tal District shall be admitted to vote at the Haldwani, Kaladhungi, Kotabagh and Ramnagar polling stations in the Naini Tal District if he can be identified and the presiding or polling officer is satisfied that he is entitled to vote in the Naini Tal tahsil and that he has not already recorded his vote in the said tahsil.

16. No ballot paper shall be issued after the closing hour appointed under regulation 12 but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

17. Each polling station shall be furnished with such number of compartments, in which voters can record their votes screened from observation, as the District Officer thinks necessary.

18. The District Officer shall provide at each polling station such number of clerks as he may consider necessary, materials sufficient for the purpose of enabling voters to mark the ballot papers as many ballot boxes, as may be necessary, copies of the electoral rolls or of such part thereof as contains the names of the electors entitled to vote at such station, a list of the nominations and such other papers and forms as may be necessary.

19. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place a seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view or the view of a polling officer for the receipt of ballot papers and keep it so locked and sealed.

20 Before the polling station is open for the recording of votes, the presiding officer shall read to the polling agents and such other persons as may be present the provisions of section 14 of the Election Offences and Inquiries Act, 1920 and shall explain the substance thereof in the vernacular of the district

21 The name of every person presenting himself to vote and his number on the electoral roll shall be entered on a slip in form IV attached to these regulations, and such person shall thereafter if he is literate, sign his name in the column provided for that purpose, or if he is illiterate, fix his thumb impression thereto Every signature or thumb impression so made shall be attested by any candidate or his representative as aforesaid who may be able to recognise the voter or by any other person who may be admitted by the presiding officer for the purpose of identifying voters Such slips shall be consecutively numbered

22 The elector shall then present the aforementioned slip to the presiding officer or polling officer, who, after satisfying himself that the slip has been duly signed or impressed and attested, shall give to the elector the outer foil of a ballot paper bearing on each side an official mark and shall at the same time note on the corresponding counterfoil the number of the elector in the electoral roll and make a mark against the entry of the elector's name in the electoral roll to denote that the elector has received a ballot paper This mark shall not indicate the number of the ballot paper which the elector has received

23 At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at

such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions:—

(1) Are you the person enrolled as follows (reading the whole entry from the roll)? and,

(2) Have you already voted at the present election in this constituency?

and at a general election

(3) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.

24 If the elector is literate, he shall on receiving the ballot paper forthwith proceed to a place screened from observation which shall be set apart for the purpose and shall there mark a cross against the name of the candidate whom he prefers He shall then fold the ballot paper so as to conceal his vote and shall put the ballot paper so folded into the ballot box.

25 If the elector is illiterate or by reason of infirmity is unable to vote in the manner prescribed, the presiding officer or polling officer shall at his request in the view of any polling agents who are present make a cross on the ballot paper according to the direction of the elector, and shall cause the ballot paper so marked to be placed in the ballot box

26 If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a "tendered ballot paper") shall be of a colour different from the other ballot papers, and, instead of being put in the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the returning officer The name of the voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in form V annexed to these regulations, which shall bear the heading "Tendered votes list" The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list.

27. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled.

28 A presiding officer, polling officer, polling agent, or clerk employed by the presiding officer who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by a returning officer to be entitled to vote at the election for the constituency in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the electoral roll for the constituency in which that polling station is situated

29. Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in regulation 28 to the returning officer who has granted the same, and such returning officer shall cause such vote to be included among the other votes for the candidate designated by the elector

30 The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal —

(1) each ballot box in use at each station unopened but with the key attached,

(2) the unused ballot papers,

(3) the tendered ballot papers,

(4) the spoilt ballot papers,

(5) the marked copy or copies of the electoral roll,

(6) the counterfoils of the ballot papers,

(7) the tendered votes list, and

(8) the electors' identification slips,

and shall deliver such packets to the returning officer

31. The packets shall be accompanied by a statement in form VI made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, and ballot papers dealt with under regulation 28

COUNTING OF VOTES

32 The returning officer shall appoint a date, as soon as may be practicable after the close of the poll, and a time and place for the counting of the votes and shall give notice in writing thereof to all candidates and election agents

33 (1) No person shall be allowed to be present at the counting of the votes except the returning officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14

(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election

34. On the day and at the time appointed under regulation 32 the returning officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(a) The ballot box or boxes relating to each polling station shall be opened one after another, and the returning officer shall take out the papers therefrom, count them or cause them to be counted, and record the number in each box separately in a statement. Such statement shall not be shown to any candidate or agent

(b) The returning officer shall then mix together all the ballot papers so taken out from the ballot boxes and distribute them in convenient bundles to the persons appointed to assist in counting the votes

(c) When the ballot papers have been so distributed, but not before, the returning officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, the ballot papers, and shall on every ballot paper which is rejected endorse the word "rejected" If any candidate or agent present questions the correctness of the rejection he shall also record on the ballot paper the grounds for the rejection No candidate or agent shall be allowed to see the serial number on any ballot paper

(d) The returning officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seal of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their custody.

35 (1) A ballot paper shall be rejected if—

(a) it has not the official mark,
(b) more than one vote is recorded thereon,
(c) no vote is recorded thereon,
(d) it is void for uncertainty,
(e) it bears any mark by which the elector can be identified.

(2) The decision of the returning officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

36. The returning officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoils of the ballot papers He shall verify the statement submitted by the presiding officer under regulation 31 by comparing it with the number of counted votes and rejected ballot papers, the unused or spoilt ballot papers in his possession and the tendered votes list, shall then re-close and re-seal each packet which has been opened by him, shall record on each packet a description of its contents and the date of the election to which it refers.

37. The returning officer shall then prepare and certify a return setting forth—

(1) the result of the verification referred to in regulation 36

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected,

(5) the number of votes declared invalid, and

(6) the number of tendered votes given,

and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return

38 The returning officer shall, after reporting the result of the election under rule 14, retain in safe custody the return and all the packets relating to the election in his possession

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FORM I

[See Regulation 3 (5)]

List of persons claiming to have their names entered in the electoral roll for the . . constituency

Serial number.	Name of claimant.	Father's name (in the case of a female elector father's or husband's name)	Address and name of polling station	Alleged qualification	Remarks.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority.

FORM I-A.

[SEE REGULATION 3 (5).]

List of persons alleging that their names are entered in an incorrect place or manner or with incorrect particulars and claiming to be registered correctly in the electoral roll for the constituency

Serial number	Name of claimant.	Father's name (in the case of a female elector father's or husband's name).	Address and name of polling station.	Abstract of claim.	Remarks.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19

Revising Authority

FORM II.

[SEE REGULATION 3 (5).]

List of persons to the inclusion of whose names in the electoral roll for the constituency objection has been taken

Serial number.	Number in the electoral roll.	Name.	Father's name (in the case of a female elector father's or husband's name).	Qualifications as stated in the electoral roll.	Serial number of objector in the electoral roll.	Name of objector.	Name of polling station.	Grounds of objection.	Remarks.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority.

FORM III.

[SEE REGULATION 11.]

Book No.................... .

Serial No. ... .

Election of a member for the constituency of ....

....

held on............ ....

..........19 .

No. of elector in the electoral roll........................

FORM III.

[SEE REGULATION 11.]

Book No.......

Serial No................

Election of a member of the constituency of ....

....

....

Name of candidate for election	Cross (+ or ×) of voter.
A	
B	
C	
D	

FORM IV.

[SEE REGULATION 21]

Serial No. .

Signature Slip

Number on electoral roll	Name	Signature of voter if literate or thumb impression of voter if illiterate.	Signature of witness.

FORM V.

[SEE REGULATION 26.]

Tendered Votes List.

Number on electoral roll.	Name.	Signature.	Signature of identifying witness

FORM VI

[SEE REGULATION 31.]

Number of ballot papers received.	Number of persons who have voted.	Number of spoilt ballot papers	Number of ballot papers dealt with under Regulation 28	Number of ballot papers returned unused.
1	2	3	4	5

Number of tendered ballot papers received.	Number of tendered votes.	Number of tendered ballot papers returned unused.
1	2	3

Signature of Presiding Officer.

NOTE.—Any difference between the total of columns 2, 3, 4 and 5 and the figure in column 1 in the upper part of this statement or between the total o columns 2 and 3 and the figure in column 1 in the lower part must be explained .

SCHEDULE

(See Regulations 6 and 7.)

Names of constituencies.	Returning Officers.	*Officers who may be appointed to perform the duties of Returning Officers under the control of the Returning Officer.*
Cities of the United Provinces (Non-Muhammadan)	The District Officer, Allahabad.	The Joint Magistrate, Allahabad. The Senior Deputy Collector, Allahabad.
Meerut Division (Non-Muhammadan).	The District Officer, Meerut.	The Joint Magistrate, Meerut. The Senior Deputy Collector, Meerut.
Agra Division (Non-Muhammadan)	The District Officer, Agra	The Joint Magistrate, Agra. The Senior Deputy Collector, Agra.
Rohilkhand and Kumaon Divisions (Non Muhammadan,	The District Officer, Bareilly.	The Joint Magistrate, Bareilly The Senior Deputy Collector, Bareilly.
Allahabad and Jhansi Divisions (Non-Muhammadan).	The District Officer, Allahabad.	The Joint Magistrate, Allahabad The Senior Deputy Collector, Allahabad.
Benares and Gorakhpur Divisions (Non-Muhammadan)	The District Officer, Benares.	The Joint Magistrate, Banares. The Senior Deputy Collector, Benares.
Lucknow Division (Non-Muhammadan).	The District Officer, Lucknow.	The Joint Magistrate, Lucknow. The Senior Collector,

Names of constituencies.	Returning Officers	Officers who may be appointed to perform the duties of Returning Officers under the control of the Returning Officer.
Fyzabad Division (Non-Muhammadan)	The District Officer, Fyzabad	The Joint Magistrate, Fyzabad. The Senior Deputy Collector, Fyzabad.
	MUHAMMADAN	
Cities of the United Provinces (Muhammadan)	The District Officer, Allahabad	The Joint Magistrate, Allahabad. The Senior Deputy Collector, Allahabad.
Meerut Division (Muhammadan).	The District Officer, Meerut	The Joint Magistrate, Meerut. The Senior Deputy Collector, Meerut
Agra Division (Muhammadan)	The District Officer, Agra	The Joint Magistrate, Agra The Senior Deputy Collector, Agra.
Rohilkhand and Kumaon Divisions (Muhammadan).	The District Officer, Bareilly.	The Joint Magistrate, Bareilly The Senior Deputy Collector, Bareilly
United Provinces Southern Divisions (Muhammadan).	The District Officer, Allahabad.	The Joint Magistrate, Allahabad. The Senior Deputy Collector, Allahabad.
Lucknow and Fyzabad Divisions (Muhammadan).	The District Officer, Lucknow.	The Joint Magistrate, Lucknow. The Senior Deputy Collector, Lucknow.

NOTE.—In this Schedule the words 'Senior Deputy Collector' shall be deemed to mean the Senior Deputy Collector having a knowledge of English.

Regulations for the election to the Legislative Assembly of a member for the European constituency.

PRELIMINARY.

1 (1) 'Attesting officer'' means any officer appointed by the local Government to perform all or any of the duties of an attesting officer under these regulations, and includes any officer deputed for the time being by an attesting officer to perform any of his duties

(2) 'Returning officer'' means such officer as the local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the returning officer under these regulations, and includes any officer deputed for the time being by the returning officer to perform any of his duties.

(3) 'Revising authority'' means any officer appointed by the local Government to perform all or any of the duties of a revising authority under these regulations

(4) ''Elector'' means any person whose name is entered in the electoral roll

Under rule 9 (2) of the Legislative Assembly Electoral Rules

ELECTORAL ROLL

2 (1) On or before such date as may be appointed by the local Government in this behalf the returning officer shall prepare an electoral roll in English in form I annexed to these regulations

(2) On and from such date the electoral roll so prepared shall be published by the returning officer by posting it in a conspicuous place at his office and an extract from the electoral roll relating to each district shall be published by the District Officer of such district by posting it in a conspicuous place at his office

REVISION OF ELECTORAL ROLL

3 (1) Every claim and objection must be preferred in writing within fifteen days from the aforesaid date and must state the qualifications or grounds on which the claim is based or the grounds on which the objection is made, as the case may be

(2) Every person making a claim or objection must do so on a separate petition, which shall be presented in duplicate to the revising authority either by such person himself or by his duly authorized agent at such place and time as may be fixed by the revising authority in this behalf

(3) The person presenting such petition shall at the time of presentation be informed of the date, time and place fixed for the hearing of his petition.

(4) Lists of the claimants and of the persons objected to shall be prepared in English in forms II, II-A and III, respectively, attached to these regulations, and shall be published at the office of the revising authority for at least ten days before the date fixed for the hearing of such claims and objections

(5) The revising authority shall, as soon as practicable after receiving any petition of objection, send a copy of the petition by post to the person in respect of whose registration as an elector the objection is made, and shall at the same time and in the same manner inform him of the date, time and place fixed for hearing the objection

(6) At such place and from such time as he may appoint in this behalf the revising authority shall hear and determine all claims and objections which have been duly made, and after such enquiry and after hearing such persons as to him may appear necessary he may order any addition to or alteration in the electoral roll.

(7) The electoral roll as so amended shall be republished in the manner prescribed in regulation 2

Under rule 15 (1) of the Legislative Assembly Electoral Rules.

Scrutiny of Nomination Papers

4 On the date and at the time appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 each candidate, the election agent of each candidate, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

5 (1) The returning officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objections or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:—

(i) that the candidate is inelligible for election under rule 5 or rule 6;

(ii) that the name of a proposer or seconder is not entered on the electoral roll of the constituency or, subject to the provisions of sub-regulations (2) (*b*) and (3), that a person whose name is entered in such roll has subscribed more nomination papers than one;

(iii) that there has been any failure to comply with any of the provisions of rule 11 (3), (5) or (6) or rule 12 (1):

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder as the case may be;

(v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purpose of this regulation,—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6, and

(b) where a person has subscribed whether as proposer or seconder more than one nomination paper that paper so subscribed, which has been first received, shall be deemed to be valid

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

6 (1) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed unless objection is taken to a nomination In case an objection is made the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer must record his decision on the date to which the proceedings have been adjourned

7 (1) On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule 8 of rule 11, the returning officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

(2) If two or more candidates are duly nominated the returning officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe and in such other places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order He shall also cause their names to be entered in ballot papers in form IV attached to these regulations

Voting.

8 (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll and on such date and at such time as may be appointed by the local Government in this behalf

(2) The attesting officer shall thereupon deliver to each elector a ballot paper in Form IV annexed to these regulations, in which shall be entered the names of the candidates, together with an envelope for enclosing the same. No ballot paper shall be given to an elector after the time fixed for the closing of the poll

(3) The elector shall sign the declaration on the back of the paper in the presence of the attesting officer in accordance with the instructions on the face thereof, and the attesting officer shall attest his signature in the manner prescribed by the same instructions, and shall at the same time make a mark against the entry of the elector's name in the electoral roll.

(4) The elector shall then proceed to a place screened from observation which shall be provided by the attesting officer, and there mark his vote on the ballot paper in accordance with the instructions on the face thereof

(5) The elector shall then place the ballot paper in the envelope provided, and, after closing the envelope, shall deliver it to the attesting officer

(6) If an elector is unable to read or write, or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this regulation, the attesting officer shall assist him in such manner as may be necessary to mark the ballot paper and sign the declaration on the back thereof

9 The ballot paper shall be invalid if it is not duly marked or if a cross is placed opposite the name of more than one candidate or if it is so placed as to render it doubtful to which candidate the vote was intended to be given, or if the declaration on the back of the ballot paper has not been duly signed by the elector

10 If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such an elector, the applicant shall, on signing a list in form V attached to these regulations, bearing the heading "Tendered votes list," be entitled to record his vote in the manner provided in regulation 8 but no attestation of the attesting officer will be necessary On the ballot paper which he shall receive and on the envelope in which it is enclosed the words "tendered vote" shall be written by the attesting officer.

11 The attesting officer shall, at the close of the day appointed for the attestation of ballot papers in the presence of such candidates or their representatives duly authorised in writing, if any, as may be in attendance, make up into separate packets and seal with his own seal and with the seal of such candidates or their representatives as aforesaid as may desire to affix their seal—

(1) the envelopes received by him under regulation 8 (5)

(2) the envelopes containing tendered votes received by him under regulation 10,

(3) the unused ballot papers,

(4) the marked copies of the electoral roll, and

(5) the tendered votes list,

and shall forward these packets to the returning officer accompanied by a statement in form VI attached to these regulations

COUNTING OF VOTES

12. (1) On receiving the packets mentioned in regulation 11 the returning officer shall open the packet containing the envelopes received by the attesting officer under regulation 8 (5), and shall examine the ballot papers to see whether they have been correctly filled up

(2) The returning officer shall endorse "rejected" with the grounds for such rejection on any ballot paper which he may reject on the ground that it is invalid under these regulations

(3) The returning officer shall then fold the lower portion of every ballot paper, whether valid or invalid, along the dotted line on the back so as to conceal the names of the elector and the attesting officer and shall seal down the portion thus folded with his official seal

13 (1) The returning officer shall appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all the candidates or their election agents

(2) The candidates or their representatives duly authorised in writing shall be entitled to see the ballot papers after they have been sealed as provided by regulation 12 (3)

(3) If an objection is made to any ballot paper on the ground that it is invalid under these regulations or to the rejection by the returning officer of any ballot paper it shall be decided at once by the returning officer, who shall record on the ballot paper the nature of the objection and his decision thereon

14 The valid votes given to each candidate shall then be counted. If the counting of votes be not completed by 6 P.M on the date appointed the returning officer may adjourn the proceedings until the following day at 10 A.M. and in such case shall place the ballot papers and all other documents relating to the election under his own seal and the seals of such candidates or their representatives as aforesaid, if any, as may be in attendance and desire to affix their seals and shall otherwise take proper precautions for the security of such papers and documents and may in like manner adjourn the proceedings from day to day until the counting of votes has been completed

15 The returning officer shall not open the sealed packets of the tendered ballot papers or the marked copies of the electoral roll He shall verify the statement submitted by the attesting officer in form VI by comparing it with the number of ballot papers counted and rejected, the unused ballot papers in his possession and the tendered votes list and shall then reclose and re-seal each packet which has been opened by him and shall record on each packet a description of its contents and the date of the election to which it refers.

16 The returning officer shall then prepare a return setting forth —

(1) the result of the verification referred to in regulation 15,

(2) the names of the candidates for whom valid votes were given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected,

(5) the number of votes declared invalid, and

(6) the number of tendered votes given,

and shall permit any candidate or his representative as aforesaid to take a copy or an extract from such return.

17 The returning officer shall, after reporting the result of the election, retain in safe custody all the packets relating to the election in his possession

FORM I.

[See Regulation 2.]

Electoral roll for the election of a member to the Legislative Assembly for the European constituency

Serial number.	Name of elector.		Address	Qualifications.
	Surname.	Christian name		

FORM II.

[See Regulation 3 (4)]

List of persons claiming to have their names entered in the electoral roll for the European constituency.

Serial number	Name of claimant		Address and name of polling station.	Alleged qualifications.	Remarks.
	Surname.	Christian name.			

Notice is hereby given that all claims and objections shall be heard and determined from , o'clock on the day of 19 .

Revising Authority.

FORM II-A.

[SEE REGULATION 3 (4).]

List of persons alleging that their names are entered in an incorrect place or manner or with incorrect particulars and claiming to be registered correctly in the electoral roll for the European constituency

Serial number.	Name of claimant		Address and name of polling station	Abstract of claim	Remarks.
	Surname.	Christian name.			

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority

FORM III

[SEE REGULATION 3 (4)]

List of persons to the inclusion of whose names in the electoral roll for the European constituency objection has been taken

Serial number.	Number in the electoral roll	Name.		Qualification as stated in the electoral roll	Serial number of objector in the electoral roll	Name of objector.	Name of polling station	Grounds of objection	Remarks
		Surname	Christian name.						

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority

FORM IV.

[SEE REGULATIONS 7 (2) AND 8 (2).]

Ballot Paper.

One member is to be elected to the Legislative Assembly for the European constituency.

The following candidates have been duly nominated:—

Serial number	Names of candidates.	Vote.

Instructions.

1. Each elector has one vote.

2. He shall vote by placing or causing to be placed, the mark × opposite the name of the candidate whom he prefers.

3. The ballot paper shall be invalid if the mark × is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.

4. Before his vote is marked, the elector shall sign the declaration on the back of the paper in the presence of the attesting officer, who shall attest his signature. Without such attestation the ballot paper shall be invalid

5. Ballot papers shall be presented for attestation and marked and delivered to the attesting officer enclosed in the envelope to be supplied by him for the purpose.

Declaration.

I hereby declare that I am the person whose name appears as ————No.————on the electoral roll for the election to the Legislative Assembly of a member for the European constituency.

Elector.

Signed in my presence by the elector who is personally known to me (or who has been identified to my satisfaction)

Attesting Officer

FORM V.

[SEE REGULATION 10.]

Tendered votes list.

Number on electoral roll.	Name.	Signature.

FORM VI.

[SEE REGULATION 11.]

Number of ballot papers received. 1	Number of persons who have voted. 2	Number of tendered votes. 3	Number of ballot papers returned unused. 4

NOTE —Any difference between the total of columns 2, 3 and 4 and the figure in column 1 must be explained.

Regulations for the election to the Legislative Assembly of a member of the United Provinces Landholders' constituency.

PRELIMINARY.

1. (1) "Attesting officer" means any officer appointed by the local Government to perform all or any of the duties of an attesting officer under these regulations and includes any officer deputed for the time being by an attesting officer to perform any of his duties.

(2) "Returning officer" means such officer as the local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the returning officer under these regulations and includes any officer deputed for the time being by the returning officer to perform any of his duties.

(3) "Revising authority" means any officer appointed by the local Government to perform all or any of the duties of a revising authority under these regulations.

(4) "Elector" means any person whose name is entered in the electoral roll.

Under Rule 9(2) of the Legislative Assembly Electoral Rules

ELECTORAL ROLL

2 (1) On or before such date as may be appointed by the local Government in this behalf an electoral roll for each constituency in English, Urdu and Nagri shall be prepared by the returning officer in Form I annexed to these regulations

(2) On and from such date the electoral roll so prepared shall be published by the returning officer by posting it in a conspicuous place at his office and an extract from the electoral roll relating to each district shall be published by the District Officer of such district by posting it in a conspicuous place at his office.

REVISION OF ELECTORAL ROLL.

3 (1) Every claim and objection must be preferred in writing within fifteen days of the aforesaid date and must state the qualifications or grounds on which the claim is based or the grounds on which the objection is made, as the case may be.

(2) Every person making a claim or objection must do so on a separate petition, which shall be presented in duplicate to the revising authority either by such person himself or by his duly authorised agent at such place and time as may be fixed by the revising authority in this behalf.

(3) The person presenting such petition shall at the time of presentation be informed of the date, time and place fixed for the hearing of his petition

(4) Lists of the claimants and of the persons objected to shall be prepared in English, Urdu and Nagri in Forms II, II-A and III, respectively, attached to these regulations, and shall be published at the office of the revising authority for at least ten days before the date fixed for the hearing of such claims and objections

(5) The revising authority shall, as soon as practicable after receiving any petition of objection, send a copy of the petition by post to the person in respect of whose registration as an elector the objection is made, and shall at the same time and in the same manner inform him of the date, time, and place fixed for hearing the objection.

(6) At such place and from such time as he may appoint in this behalf the revising authority shall hear and determine all claims and objections which have been duly made, and after such inquiry and after hearing such persons as to him may appear necessary he may order any addition to or alteration in the electoral roll

(7) The electoral roll as so amended shall be republished in the manner prescribed in regulation 2.

Under Rule 15 (1) of the Legislative Assembly Electoral Rules.

SCRUTINY OF NOMINATION PAPERS.

4 On the date and at the time appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 each candidate, the election agent of each candidate, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

5 (1) The returning officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objections or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds —

(i) that the candidate is ineligible for election under rule 5 or rule 6;

(ii) that the name of a proposer or seconder is not entered on the electoral roll of the constituency or, subject to the provisions of sub-regulations (2) (b) and (3), that a person whose name is entered in such roll has subscribed more nomination papers than one.

(iii) that there has been any failure to comply with any of the provisions of rule 11 (3), (5) or (6) or rule 12 (1);

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder as the case may be;

(v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud

(2) For the purpose of this regulation,—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6, and

(b) where a person has subscribed whether as proposer or seconder more than one nomination paper that paper so subscribed, which has been first received, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

6 (1) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed unless objection is taken to a nomination. In case an objection is made the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer must record his decision on the date to which the proceedings have been adjourned

7 (1) On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the returning officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

(2) If two or more candidates are duly nominated the returning officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe and in such other places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order. He shall also cause their names to be entered in ballot papers in Form IV attached to these regulations

VOTING.

8. (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll and on such date and at such time as may be appointed by the local Government in this behalf.

(2) The attesting officer shall thereupon deliver to each elector a ballot paper in Form IV annexed to these regulations, in which shall be entered the names of the candidates, together with an envelope for

enclosing the same. No ballot paper shall be given to an elector after the time fixed for the closing of the poll.

(3) The elector shall sign the declaration on the back of the paper in the presence of the attesting officer in accordance with the instructions on the face thereof, and the attesting officer shall attest his signature in the manner prescribed by the same instructions, and shall at the same time make a mark against the entry of the elector's name in the electoral roll.

(4) The elector shall then proceed to a place screened from observation which shall be provided by the attesting officer, and there mark his vote on the ballot paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the ballot paper in the envelope provided, and, after closing the envelope, shall deliver it to the attesting officer

(6) If an elector is unable to read or write, or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this regulation, the attesting officer shall assist him in such manner as may be necessary to mark the ballot paper and sign the declaration on the back thereof

9. The ballot paper shall be invalid if it is not duly marked or if a cross is placed opposite the name of more than one candidate or if it is so placed as to render it doubtful to which candidate the vote was intended to be given, or if the declaration on the back of the ballot paper has not been duly signed by the elector

10 If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such an elector, the applicant shall, on signing a list in Form V attached to these regulations, bearing the heading "Tendered votes list" be entitled to record his vote in the manner provided in regulation 8 but no attestation of the attesting officer will be necessary On the ballot paper which he shall receive and on the envelope in which it is enclosed the words "tendered vote" shall be written by the attesting officer.

11 The attesting officer shall, at the close of the day appointed for the attestation of ballot papers in the presence of such candidates or their representatives duly authorised in writing, if any, as may be in attendance, make up into separate packets and seal with his own seal and with the seal of such candidates or their representatives as aforesaid, as may desire to affix their seal —

(1) the envelopes received by him under regulation 8 (5),

(2) the envelopes containing tendered votes received by him under regulation 10,

(3) the unused ballot papers,

(4) the marked copies of the electoral roll, and

(5) the tendered votes list,

and shall forward these packets to the returning officer accompanied by a statement in Form VI attached to these regulations

Counting of Votes.

12. (1) On receiving the packets mentioned in regulation 11 the returning officer shall open the packet containing the envelopes received by the attesting officer under regulation 8 (5), and shall examine the ballot papers to see whether they have been correctly filled up.

(2) The returning officer shall endorse "rejected" with the grounds for such rejection on any ballot paper which he may reject on the ground that it is invalid under these regulations.

(3) The returning officer shall then fold the lower portion of every ballot paper, whether valid or invalid, along the dotted line on the back so as to conceal the names of the elector and the attesting officer and shall seal down the portion thus folded with his official seal.

13 (1) The returning officer shall appoint a date, time, and place for the counting of votes and shall give notice in writing thereof to all the candidates or their election agents

(2) The candidates or their representatives duly authorised in writing shall be entitled to see the ballot papers after they have been sealed as provided by regulation 12 (3).

(3) If an objection is made to any ballot paper on the ground that it is invalid under these regulations or to the rejection by the returning officer of any ballot paper it shall be decided at once by the returning officer, who shall record on the ballot paper the nature of the objection and his decision thereon

14 The valid votes given to each candidate shall then be counted. If the counting of votes be not completed by 6 P M on the date appointed, the returning officer may adjourn the proceedings until the following day at 10 A.M. and in such case shall place the ballot papers and all other documents relating to the election under his own seal and the seals of such candidates or their representatives as aforesaid, if any, as may be in attendance and desire to affix their seals and shall otherwise take proper precautions for the security of such papers and documents and may in like manner adjourn the proceedings from day to day until the counting of votes has been completed

15 The returning officer shall not open the sealed packets of the tendered ballot papers or the marked copies of the electoral roll. He shall verify the statement submitted by the attesting officer in Form VI by comparing it with the number of ballot papers counted and rejected, the unused ballot papers in his possession and the tendered votes list, and shall then re-close and re-seal each packet which has been opened by him and shall record on each packet a description of its contents and the date of the election to which it refers.

16. The returning officer shall then prepare a return setting forth—

(1) the result of the verification referred to in regulation 15,

(2) the names of the candidates for whom valid votes were given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected,

(5) the number of votes declared invalid, and

(6) the number of tendered votes given,

and shall permit any candidate or his representative as aforesaid to take a copy or an extract from such return

17 The returning officer shall, after reporting the result of the election, retain in safe custody all the packets relating to the election in his possession.

FORM I.

[SEE REGULATION 2]

Electoral roll for the election of a member to the Legislative Assembly for the Landholders' constituency.

Serial number on district roll	Name of elector.	Father's name (in case of a female elector father's or husband's name)	Address.	Qualifications.
1	2	3	4	5

FORM II.

[SEE REGULATION 3(4).]

List of persons claiming to have their names entered in the electoral roll for the United Provinces Landholders' constituency.

Serial number	Name of claimant	Father's name (in case of female elector father's or husband's name)	Address and name of polling station	Alleged qualifications	Remarks.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority.

FORM II-A.

[SEE REGULATION 3 (4).]

List of persons alleging that their names are entered in an incorrect place or manner or with incorrect particulars and claiming to be registered correctly in the electoral roll for the United Provinces Landholders' constituency.

Serial number	Name of claimant.	Father's name (in case of a female elector father's or husband's name)	Address and name of polling station.	Abstract of claim.	Remarks.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority.

FORM III.

[SEE REGULATION 3 (4).]

List of persons to the inclusion of whose names in the electoral roll for the United Provinces Landholders' constituency objection has been taken.

Serial number	Number in the electoral roll	Name.	Father's name (in case of a female elector father's or husband's name)	Qualifications as stated in the electoral roll	Serial number of objector in the electoral roll.	Name of objector.	Name of polling station.	Grounds of objection.	Remarks.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority.

FORM IV.

[SEE REGULATIONS 7 (2) AND 8 (2).]

Ballot Paper.

One member is to be elected to the Legislative Assembly for the Landholders' constituency.

The following candidates have been duly nominated.—

Serial number.	Names of candidates.	Votes

Instructions.

1. Each elector has one vote.

2 He shall vote by placing, or causing to be placed, the mark × opposite the name of the candidate whom he prefers

3. The ballot paper shall be invalid if the mark × is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply

4 Before his vote is marked, the elector shall sign the declaration on the back of the paper in the presence of the attesting officer, who shall attest his signature Without such attestation the ballot paper shall be invalid

5. Ballot papers shall be presented for attestation and marked and delivered to the attesting officer enclosed in the envelope to be supplied by him for the purpose

Declaration.

I hereby declare that I am the person whose name appears as—— ————No ————on the electoral roll of Landholders in the United Provinces for the election to the Legislative Assembly of a member for the Landholders' constituency

Elector

Signed in my presence by the elector who is personally known to me (or who has been identified to my satisfaction)

Attesting Officer.

FORM V.

[SEE REGULATION 10.]

Tendered Votes List.

Number on electoral roll.	Name	Signature.

FORM VI

[SEE REGULATION 11.]

Number of ballot papers received. 1	Number of persons who have voted. 2	Number of tendered votes. 3	Number of ballot papers returned unused. 4

NOTE.—Any difference between the total of columns 2, 3 and 4 and the figure in column 1 must be explained.

Regulations under rule 15 (9) of the Legislative Assembly Electoral Rules for the safe custody, preservation, inspection and production of election papers.

ELECTORAL ROLLS

1. The Returning Officer of each constituency shall preserve a complete copy of the electoral roll of the constituency as finally published. A copy of so much of the roll as relates to each district shall be preserved by the District Officer thereof

2. The rolls shall be preserved till a fresh roll has been prepared. They shall be open to inspection on such conditions, and certified copies may be given on payment of such fees, as the local Government may prescribe

PAPERS RELATING TO CLAIMS AND OBJECTIONS

3. Lists of claims and objections and all papers and files relating thereto shall be preserved in the general record room of the district to which they relate. Such papers shall be open to inspection, and certified copies may be given on payment of such fees, as the local Government may prescribe. They shall be preserved till a fresh electoral roll has been prepared for the constituency to which they relate.

PAPERS RELATING TO NOMINATIONS

4 The nomination papers of candidates, withdrawals of candidature and all other papers relating to nomination shall be kept in the Office of the District Officer of the district in which the counting of votes of the constituency to which they relate took place and shall be destroyed after three years, unless their retention for a longer period is ordered by a competent authority They shall not be open to inspection by, nor may copies be given to, any person other than those who were entitled under the regulation to be present at the scrutiny of nominations

PAPERS RELATING TO VOTING AND COUNTING OF VOTES

5 All papers relating to voting and counting of votes (including sealed packets of used, unused, spoilt and tendered ballot papers, marked copies of electoral rolls, counterfoils of ballot papers, tendered votes lists, electors' identification slips, and statements and returns prepared by presiding officers or returning officers) shall be preserved by the Returning Officer Such papers shall be retained for one year, and shall thereafter be destroyed, unless their retention for a longer period is ordered by a competent authority Except the Returning Officer's return of the result of an election such paper shall not be open to inspection and sealed packets containing ballot papers and the counterfoils of ballot papers shall not be opened, nor shall their contents be inspected or produced, except under the order of a competent court or of Commissioners appointed to hold an inquiry in respect of an election

ELECTION PETITIONS AND PAPERS RELATING THERETO

6 Election petitions with the proceedings and reports of Election Commissioners thereon shall be kept in the Legislative Department of the Government of India and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department.

5.—PUNJAB.

NOTE.—

Constituencies.	*No of Members*
Non-Muhammadan	*3*
Muhammadan	*6*
Sikh	*2*
Landholders	*1*

Legislative Assembly (the Punjab) Electoral Regulations (Legislative Department Notification No. 127, dated the 5th July, 1923. Also Notification No. 128, dated the 5th July, 1923, as amended by Notifications Nos. 187 and 237, dated the 20th August and 27th October, 1923, respectively).

REGULATIONS FOR THE PREPARATION AND PUBLICATION OF ELECTORAL ROLLS.

Regulations under clauses (1) and (3) of sub-rule (2) of rule 9 of the Legislative Assembly Electoral Rules for the preparation and publication of electoral rolls of constituencies in the Punjab for the Legislative Assembly.

1 The Secretary to Government, Punjab (Transferred Departments), shall be the authority for the preparation of the electoral rolls for the Landholders' constituency

2 [illegible] each gen[illegible] within his [illegible]

3. In the case of general constituencies the electoral rolls for electors of the various denominations—whether Sikhs, Christians, other Non-Muhammadans or Muhammadans—shall be prepared separately, separate rolls being prepared for the electors of such denominations as reside within such territorial limits as the Deputy Commissioner may consider appropriate in each case, provided that each roll shall show the jurisdiction of the police stations in rural areas, and in urban areas the towns or wards or other sub-divisions in which each elector is entitled to exercise his vote.

4. Every electoral roll for a general constituency shall contain in alphabetical order the names of all police stations, villages, towns, wards or other sub-divisions to which they relate and for each such area also in alphabetical order the name, father's* name, or in the case of a married woman or a widow, husband's name, caste and occupation of every elector and the nature of his qualification and separate serial numbers in appropriate column showing his place as an elector in the area in which he is registered.

5 The electoral roll of the Landholders' constituency shall contain in alphabetical order the name of each district and for each such district also arranged in alphabetical order the name, father's name, or in the case of a married woman or a widow, husband's name, caste, residence, occupation and full address of every elector and the nature of his qualification.

6 Every electoral roll shall contain the date of its publication.

* Except in the case of Christians.

7. The electoral roll of the Landholders' constituency shall be published by being posted up in the office of every Deputy Commissioner in the Punjab, and in every tahsil office

8 Every other electoral roll prepared by a Deputy Commissioner of a district shall be published by being posted up in his office and in the principal civil court of the district and further—

(a) if it relates to electors registered in an urban area, it shall be published in that area in the town, ward or other sub-division for which it has been prepared by being posted up in the office of the Municipal Committee and in every post office and in every police station and in such other conspicuous places as the Deputy Commissioner may order, and

(b) if it relates to electors registered in a rural area, it shall be published in that area within the jurisdiction of the police station for which it has been prepared in the police station, and in the office of every patwari, and in every post office as well as in the tahsil within which the police station is situated and in the office of the District Board.

9. Every electoral roll shall also be published by being made available for sale under the direction of Deputy Commissioners

10 The electoral roll of the Landholders' constituency shall be in English.

11. Every electoral roll prepared by a Deputy Commissioner shall be in Urdu, provided that any roll containing the names of Christians shall be in English.

REGULATIONS FOR THE REVERSION OF ELECTORAL ROLLS.

Regulations under clauses (4) to (7) of sub-rule (2) and under sub-rule (3) of rule 9 of the Legislative Assembly Electoral Rules for the revision of electoral rolls of constituencies in the Punjab for the Legislative Assembly.

1. All claims and objections relating to the inclusion of names in, or their exclusion from electoral rolls shall be presented within 21 days of the date of the publication of the electoral roll to which they relate.

2 The following provisions shall apply to claims and objections in connection with the electoral rolls of general constituencies —

(1) A claim or [illegible] be presente [illegible] or, in their [illegible] concerned, and a claim or objection relating to an urban electoral roll shall be presented at the office of the local authority concerned to the Secretary of such authority, or to such other person or persons as may be appointed by the local authority to receive claims and objections

(2) A claim shall not relate to more than one elector. It shall be in writing in one of the appropriate Forms Nos I to III [illegible]

on behalf of a claimant shall be in writing signed by the claimant and verified by the seal or signature of an Honorary Magistrate, Sub-Registrar, Zaildar or Lambardar, or in the case of an electoral roll relating to an urban area, of a member of the local authority provided that no authority in writing shall be required if the agent is an advocate of a High Court.

(3) An objection may be presented by any registered elector of the constituency to which it relates. An objection shall not relate to more than one elector. It shall be in writing in the form appended to these regulations, shall be verified by the objector and shall be presented by him personally or by a duly authorised agent together with a copy thereof All documents relied upon in an objection shall be filed in duplicate.

(4) A claim or objection may be lodged in the manner hereinbefore prescribed on behalf of the Deputy Commissioner in respect of any entry or omission in the roll.

(5) The Revising Authority shall be a person appointed by the Deputy Commissioner to act as such with such territorial jurisdiction as he may fix provided that preference shall be given, if possible, to the appointment of judicial gazetted officers and members of the legal profession.

(6) On a claim or objection being presented, the person receiving the same shall make the entries concerning it in the appropriate register in one of the appropriate Form Nos IV to VI appended to these regulations and shall note on the claim or objection the register in which it has been entered and its serial number in that register.

(7) On receiving an objection the officer, to whom it is presented, shall cause one copy of the same to be served on the person to whom objection is taken. Such copy shall be served in the manner provided in the Civil Procedure Code for service of summons, except that the serving officer shall not be required to verify the fact of service by affidavit.

(8) On the expiration of the period prescribed for the presentation of claims and objections, all such claims and objections, together with the prescribed registers, shall be sent by the officer who received them to the Revising Authority who shall post in his office a list of such claims and objections

(9) When posting such lists, the Revising Authority shall note on them the place and date of hearing such claims and objections, the date being not less than 7 days nor more than 20 days after the date of such posting Notice of the place and date shall also be published by means of a general proclamation in the locality from which, or in respect of which, any claim or objection, has been presented, and such notice shall state that the date so fixed is for the final decision of the claims and objections

(10) A party to a claim or objection may appear personally or by an agent duly authorised in writing provided that no authority in writing shall be required if the agent is an advocate of a High Court.

(11) At the place and time fixed for the hearing of claims and objections, the Revising Authority shall call up the cases in the order in which they are entered in the list, and shall dismiss any case in which the claimant or objector is not present or represented.

(12) With regard to any claim or objection which has not been dismissed under the last preceding regulation, the Revising Authority shall proceed to hear the parties concerned or their authorised agents and such evidence as may be produced and may to him appear necessary, and he shall then decide the claim or objection

(13) If a claimant duly appears the Revising Authority shall give an opportunity to any objector present personally or by a duly authorised agent to contest the claim.

(14) An objection to the registration of an elector on the roll of a Sikh constituency on the ground that he is not a Sikh shall be accepted unless the person objected to appears and makes the declaration in Form No VII appended to these regulations, or forwards to the Revising Authority such declaration signed by him and verified by the seal or signature of any Magistrate, Sub-Registrar, Zaildar or Lambardar, or, in the case of an electoral roll relating to an urban area, of a member of the local authority provided that, if such person is absent at the hearing of the objection, and the declaration, verified as prescribed, has not been received, and he appears subsequently and makes the declaration or if the declaration, verified as prescribed, is subsequently received, the Revising Authority shall enter his name on the electoral roll of the Sikh constituency, in spite of the previous order accepting the objection, unless an objection on any other ground is upheld

(15) The Revising Authority shall not adjourn proceedings once begun, except for reasons to be recorded in writing

3 The following provisions shall apply to all claims and objections in connection with the electoral rolls of the Landholders' constituency:—

(1) The Deputy Commissioner of the district in which the claimant ordinarily resides, or the person to whose entry objection is taken is registered shall be the Revising Authority.

(2) No form is prescribed for the presentation of claims and objections, but such claims and objections shall set forth clearly the grounds on which they are based and shall be supported by copies of such documentary evidence as is available.

(3) Claims and objections may be presented to the Revising Authority personally or by post. The Revising Authority shall, on receipt of a claim or objection, inscribe thereon the date on which he received it and such date shall be deemed to be the date of presentation.

(4) An objection with the copies of documents (if any) attached to it shall be submitted in duplicate and the Revising Authority shall cause one copy to be sent under registered cover by post to the person against whom objection is taken

(5) The Revising Authority shall communicate by post or otherwise, as may be most convenient, to the person concerned, the date, time and place fixed by him for hearing claims or objections.

(6) The Revising Authority shall decide the claims and objections presented to him after following such procedure as he may think suitable, provided always that he shall give an opportunity to the parties concerned, personally or by a duly authorised agent, to appear and state their cases

4 [illegible] on the disposal of the claims and [illegible] ch an electoral roll was prepared, [illegible] ns and of his orders accepting or rejecting them to the authority appointed for the preparation of the electoral roll.

5 The authority for the preparation of the electoral roll shall amend it in accordance with the orders of the Revising Authorities He shall then either reprint and republish the amended roll or, if he deems fit, republish as the final roll the preliminary roll together with a list of additions and corrections

6 The authority for the preparation of an electoral roll shall certify one copy as republished and shall cause it to be deposited in the Punjab Civil Secretariat Office (Judicial Branch) where it shall be retained for 12 years

6-A If any elector, whose name is registered in an electoral roll, brings to the notice of the Revising Authority by application in writing presented in any form, an error in any entry relating to his name which is a clerical error, or a mistake in the entry of any particular which neither affects his right to be registered as an elector, nor gives him the right to be registered as an elector for a constituency for which he has not already been registered, the Revising Authority may at any time make such correction as he deems proper.

6-B. An application may be lodged in the manner hereinbefore prescribed in regulation 6-A on behalf of the Deputy Commissioner in respect of any clerical error or mistake of the nature described in that regulation.

7. The authority to whom applications may be made under rule 9 (6) shall be the Elections Commissioner, Punjab, appointed for the time being, and, when there is no such officer, the Secretary to Government, Punjab (Transferred Departments).

FORM No. I.

LEGISLATIVE ASSEMBLY (PUNJAB CONSTITUENCIES) ELECTORAL ROLL.

CLAIM FOR REGISTRATION.

(1) Non-Muhammadan / Muhammadan / Sikh	......Tahsil.................. District ....(1)..............Constituency. Claim for registration
(2) Thana and village / Town and ward.	in (2)............................... of (name, father's name / *husband's name, caste and occupation of claimant) .... the claimant—
	(a) has the following electoral qualification, viz ,.......................... .... in support of which the claimant submits with this claim the following certified copies of documents. viz , ...
	(b) has an electoral qualification in the (2)... ....in which he claims registration ; as evidenced by the documents submitted above Nos........ ....
(3) If the residential qualification is presumptive, full details must be given to show that the conditions for the presumption are in all respects satisfied..	(c) has a residential qualification in the (2). .... in which he claims registration, viz , (3).. ....
	I verify this claim of my own knowledge and information to be true Signed at.... ..on... ..19
	Signature or thumb mark of the claimant.

....

(To be added by the authority to whom the claim is presented)

This claim has been entered in the (2) ....Register No. I of Claims for Registration of the (1).. ... .Constituency with Serial No............ ..

Place..................Date.............. .

(Signature of authority to whom the claim is presented)

* Husband's name to be given if the claimant is a married woman or a widow.

FORM No. 11.

LEGISLATIVE ASSEMBLY (PUNJAB CONSTITUENCIES) ELECTORAL ROLL

OBJECTION TO REGISTRATION.

(1) Non-Muhammadan / Muhammadan / Sikh

(2) Thana and village / Town and ward.

........Tahsil..............District.
........(1).............Constituency.
Objection to the registration in (2)..............................
of (name)........................
with Legislative Assembly General Constituency.

Electoral Roll No ....

This objection is made by—

Name..............................

Father's name / *Husband's name ....

Caste.............................

Residence.........................

who is registered as an elector in the (1)................................
roll of (2)....................on the following grounds, viz.,..............in support of which the objector submits with this objection the following certified copies of documents. viz ,............
....
....

I verify this objection of my own knowledge and information to be true.

Signed at..........on..........19 .

Signature or thumb-mark of objector.

....

(To be added by the authority to whom the objection is presented.)

This objection has been entered in the (2)..........Register No. II of objections for the (1).........Constituency as Serial No.........

Place.....................Date......................

(Signature of the authority to whom the objection is presented)

* Husband's name to be given if the objector is a married woman or a widow.

FORM No. III.

LEGISLATIVE ASSEMBLY (PUNJAB CONSTITUENCIES) ELECTORAL ROLL.

CLAIM FOR TRANSFER TO A SIKH CONSTITUENCY OF AN ELECTOR REGISTERED IN ANOTHER CONSTITUENCY.

(1) Non-Muhammadan / Muhammadan.

(2) Thana and village / Town and ward

........Tahsil..............District. Claimant is registered in the electoral roll of the (1)............................ community for (2).................... under name............with Legislative Assembly General Constituency-Electoral No.........and claims transfer to the electoral roll of the Sikh Constituency.

He is prepared to make the prescribed declaration that he is a Sikh.

Signed at..........on..........19..

Signature or thumb-mark of claimant.

....

(To be added by the authority to whom the claim is presented.)

This claim has been entered in the (2)..........Register No. III of claims by electors for transfer to a Sikh Constituency with Serial No.............

Place....... ....Date..... ....

(Signature of authority to whom the claim is presented.)

———

Register No. I.

FORM No. IV.

LEGISLATIVE ASSEMBLY (PUNJAB CONSTITUENCIES) ELECTORAL ROLL.

......................District................Constituency.

REGISTER OF CLAIMS FOR REGISTRATION.

...................Tahsil.

1	2	3	4	5	6	7	8	9	10	11
							Decision.			
Serial No.	Thana and village / Town and ward in which registration is claimed.	Name, father's name / *husband's name caste and occupation of claimant.	Date of presentation of claim to authority to whom it is presented, with initials of such authority.	Revising Authority to whom made over for disposal.	Date of making over papers to the Revising Authority.	Date of decision, with note as to presence of parties.	Admitted.	Rejected.	Signature of Revising Authority.	Signature of official by whom effect was given to the decision of the Revising Authority and date.

* Husband's name to be given if the claimant is a married woman or a widow.

FORM No. V.

Register No. II.

LEGISLATIVE ASSEMBLY (PUNJAB CONSTITUENCIES) ELECTORAL ROLL.

....*District*................*Constituency*.

REGISTER OF OBJECTIONS TO REGISTRATION.

....*Tahsil*.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Person objected to, registered.										Decision.			
Serial No	In Thana and village / Town or ward	Under name.	With Legislative Assembly General Constituency Electoral No	Name and description and Legislative Assembly General Constituency Electoral number of objector	Date of presentation of objection to authority to whom it is presented with initials of such authority.	Name of process server by whom duplicate sent to be served on person objected to and date	Abstract of process-server's report and date.	Revising Authority to whom made over for disposal.	Date of making over papers to Revising Authority	Date of decision with note as to presence of parties	Admitted.	Rejected.	Signature of Revising Authority.	Signature of official by whom effect was given to the decision of the Revising Authority and date.

FORM NO. VI.

Register No. III.

LEGISLATIVE ASSEMBLY (PUNJAB CONSTITUENCIES) ELECTORAL ROLL.

....*District.*

REGISTER OF CLAIMS FOR TRANSFER TO A SIKH CONSTITUENCY.

.... *Tahsil*

1	2	3	4	5	6	7	8	9	10	11	12	13
	Claimant Registered.								Transfer to Sikh Constituency.			
Serial No.	In Community.	Thana and Village. / Town and ward.	Under name.	With Legislative Assembly General Constituency Electoral No.	Date of presentation of claim to the authority to whom it is presented, with initials of such authority	Revising Authority to whom made over for disposal.	Date of making over papers to Revising Authority.	Date of decision with note as to the presence of parties and of revision, if any.	Admitted.	Rejected.	Signature of Revising Authority.	Signature of official by whom effect was given to the decision of the Revising Authority and date.

REGULATIONS.

FORM No. VII.

FORM OF SIKH DECLARATION.

"I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion"

Regulations for Nominations and Elections.

Regulations under rule 15 of the Legislative Assembly Electoral Rules for the nomination and election of members of constituencies in the Punjab for the Legislative Assembly.

THE APPOINTMENT OF RETURNING OFFICERS

1 The Returning Officers for the constituencies mentioned in the first column of the Schedule hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof

2. (1) The persons specified in the third column of the said Schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof

Provided that no such person shall perform any of the functions of a Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by the person specified in the corresponding entry in the third column of the Schedule.

(2) References to the Returning Officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1)

SCRUTINY OF NOMINATIONS

3 On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11, the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers* of all candidates which have been delivered within the time and in the manner prescribed in rule 11

---

* Printed forms of nomination paper prescribed in Schedule III will be supplied free of cost by the Deputy Commissioner on application by *bona fide* candidates.

4 (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion after such summary enquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds —

(i) that the candidate is ineligible for election under rule 5 or rule 6:

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11:

(iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12;

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be;

(v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

2. For the purposes of this regulation.—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe, a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a large number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper, in respect of which no irregularity has been committed.

5. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed.

6. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith

prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

7 If more than one candidate is duly nominated, the Returning Officer shall forthwith publish in the local official Gazette and at the headquarters of the district or districts and of the tahsil or tahsils in the constituency concerned, the names of the candidates as given in the nomination papers in alphabetical order And he shall also take such action as the local Government may direct for the printing of ballot papers

VOTING

8. In the general constituencies the votes shall be recorded on the date or dates appointed for the poll under clause (c) of sub-rule (2) of rule 11 from 9 A M to 1 P M and from 1-30 P M to 4 P M · the dates so fixed and the hours shall be published in the manner prescribed for the publication of the electoral rolls in each part of the constituency to which they relate

9 (1) The Deputy Commissioner shall select for each constituency included in his district as many polling stations as he thinks necessary and shall publish, in the manner prescribed for the publication of electoral rolls, a list showing the polling stations so selected, and the polling areas for which they have respectively been selected And no person shall be permitted to vote except at the polling station of the area in which he is registered except as provided in regulation 24

(2) The Deputy Commissioner shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary

10 (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except—

(a) the polling officers, the candidates, and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate,

(b) the police or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors

(2) The presiding officer shall close the polling station at the hour appointed under regulation 8 so as to prevent the admission thereto of any voter after that hour

11 No ballot paper shall be issued after the closing hour appointed under regulation 8, but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote

12 In each polling station arrangements shall be made to enable the voters to record their votes screened from all observation.

13. (1) The Deputy Commissioner shall provide at each polling station materials sufficient for the purpose of enabling voters to mark the ballot papers, instruments for stamping the official mark on such papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station.

(2) The official mark shall be kept secret.

14 Every ballot box shall be marked with the name of the legislative body and of the district and polling station for which it is to be used It shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty, and shall then lock it up and place upon it the seal provided for the purpose in such manner as to prevent its being opened, without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed

15 Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 14* of the Indian Elections Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district

16 Immediately before a ballot paper is delivered to an elector, it shall be stamped with the official mark, and the number, name and description of the elector as stated in the electoral roll shall be called out, and the number of the elector shall be entered on the counterfoil and his signature or, if he is unable to affix his signature, a rolled impression of his left thumb, shall be obtained on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received On the counterfoil shall also be entered the name of the constituency and of the district, as well as the name and distinctive number of the polling station.

17. The elector, on receiving the ballot paper, shall forthwith proceed to mark his paper with a cross mark against the name of the candidate in whose favour he wishes to record his vote, and fold it up so as to conceal his vote, and, after showing to the presiding officer the official mark, shall put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

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* 14. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

Maintenance of secrecy of voting.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both.

18. The presiding officer shall give such assistance as may be required to any elector who is, by reason of infirmity, illiteracy, or ignorance of Urdu, unable to vote in the manner prescribed

19 At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions:—

(1) Are you the person enrolled as follows (reading the whole entry from the roll)? and

(2) Have you already voted at the present election in this constituency?

and at a general election

(3) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative

20 The ballot paper shall be in Form I annexed to these regulations The ballot papers shall be serially numbered, the serial number being printed on the *face* of the counterfoil and on the *back* of the ballot paper

21 If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter Such ballot paper (hereinafter referred to as a tendered ballot paper) shall be of a colour different from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer The name of the voter and his number in the electoral roll and the name and distinctive number of the polling station to which the roll relates shall be entered in a list in Form II annexed to these regulations, which shall bear the heading "Tendered votes list." The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in the list

22 If any polling agent declares and undertakes to prove that any person, by applying for a ballot paper, has committed the offence of personation, the presiding officer may require such

person to enter in the list of challenged votes (which shall be in Form III annexed to these regulations) his name and address, or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned in the manner provided in regulation 19 answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation The presiding officer shall make a note of the circumstances, and of his decision on the list of challenged votes.

23 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled.

24 A presiding officer, polling officer, or polling agent who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer of the constituency in which he is registered as a voter to be entitled to vote at the election for the constituency in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the electoral roll for the constituency in which that polling station is situated If the constituency is different from one in which the elector is entitled to vote, the ballot paper shall be appropriately corrected.

25. Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in regulation 24 to the Returning Officer who has granted the same, and such Returning Officer shall cause such vote to be included among the other votes given for the candidate designated by the voter

26 The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with the seal provided and the seal of such candidates or agents as may desire to affix their seals —

(1) Each ballot box in use at each station unopened but with the key attached and with the slit in the lid covered with cloth sealed with the seal provided; and

separately for each constituency—

(2) the unissued ballot papers;

(3) the tendered ballot papers;

(5) the marked copy of the electoral roll;

(6) the counterfoils of the ballot papers;

(7) the counterfoils of the tendered ballot papers;

(8) the tendered votes list; and

(9) the list of challenged votes.

27 Outside every parcel made under the last preceding regulation, the presiding officer shall note under his signature the name of the polling station and nature of the contents of the parcel, and he shall then make all the parcels into one package, and he shall then seal the package with the seal provided and mark on it the name and number of the polling station and he shall then make over the package with the least possible delay to a Police officer deputed to take charge of it at the polling station

28 The Police officer shall be responsible for the safeguarding of the package made over to him and shall forward it with the least possible delay to the Deputy Commissioner of the district in which the polling station is situated

29 The presiding officer for each polling station shall forward separately to the Deputy Commissioner of the district in Form IV, appended to these regulations, an account of ballot papers

30 The Deputy Commissioner shall open all packages forwarded to him from polling stations, and shall retain unopened and shall keep in safe custody all parcels contained therein, except the ballot boxes and the parcels of unissued ballot papers which shall be dealt with in the manner hereinafter prescribed

31 On a date appointed by him, after the receipt of the packages from all polling stations in his district, and in the presence of any candidate who desires to watch the proceedings or in his absence, of a representative duly authorised by him in writing, the Deputy Commissioner shall separately open each ballot box and shall remove the ballot papers from the box, but not so as to unfold them or see or permit any person to see how any ballot paper has been marked, and shall distribute the ballot papers according to their respective constituencies He shall, after counting them make up the ballot papers of each constituency into a separate parcel and then reseal it with the seal provided and mark the parcel outside with the name and number of the polling station and of the constituency and he shall then open the parcel of unissued ballot papers relating to the constituency and the polling station concerned and shall count and reseal them, with the seal provided in a parcel marked outside as above prescribed, and he shall then for each constituency and polling station check with the presiding officer's ballot paper account the number of ballot papers found in the ballot box and the number of unissued ballot papers received by him

32 The Deputy Commissioner shall restore the parcels of unissued ballot papers resealed by him to their respective packages and he shall then reseal the packages and keep them in safe custody.

33 As soon as possible after he has resealed the ballot papers in parcels according to their respective constituencies and checked their numbers, the Deputy Commissioner shall forward the issued ballot papers for each constituency to the Returning Officer, and he shall forward with them an extract from the ballot paper account of each presiding officer relating to that constituency, and an account of his own counting of the issued and unissued papers for that constituency

Counting of Votes.

34 The Returning Officer shall, as soon as may be practicable after the close of the poll appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents

35. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14

(2) No person shall be appointed to assist in counting the votes who is a candidate or who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election

36 On the day and at the time appointed under regulation 34, the Returning Officer, shall, before he commences to count the votes, read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(a) The Returning Officer shall open separately each parcel of ballot papers received by him from a Deputy Commissioner, count them or cause them to be counted in his presence, and shall verify the ballot paper account for each polling station with the number of ballot papers forwarded to him as found in the ballot box of that polling station;

(b) The Returning Officer shall then mix together all the ballot papers so taken out from the parcels and distribute them in convenient bundles to the persons appointed to assist in counting the votes;

(c) When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, ballot papers and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected". If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

(*d*) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes; and shall, during any necessary intervals during which the counting has to be suspended, secure the ballot papers, parcels and other documents relating to the election under the seal provided and the seals of such candidates or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody

37 (1) A ballot paper shall be rejected if—

(*a*) it has not on it the official mark,

(*b*) it is marked with a cross opposite the name of more than one candidate,

(*c*) no vote is recorded thereon,

(*d*) it is void for uncertainty

(*e*) it bears any mark by which the elector can be identified.

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition

38 The Returning Officer shall then make into convenient bundles the ballot papers, close and seal them with the seal provided and shall record on each bundle a description of its contents and the date of the election to which it refers

39 The Returning Officer shall then prepare and certify a return setting forth—

(1) the result of the verification referred to in regulation 36 (*e*),

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected, and

(5) the number of votes declared invalid,

and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return

40 The Returning Officer shall, after reporting the result of the election under sub-rule (9) of rule 14, forward the return mentioned in the last preceding regulation to the Secretary to Government, Punjab (Transferred Department), and shall forward for safe custody to the Deputy Commissioner of the district, *in which counting of votes took* place, all the papers dealt with by him

41 The following regulations 42 to 48 inclusive shall apply to elections for the Landholders' constituency

42 The Returning Officer of the constituency shall fix a place, date and time for the counting of votes, and shall, not less than 15 days previous to that date, forward by registered post to each elector of the constituency, addressed to him in the district in which he is registered as an elector a ballot paper stamped with the prescribed official mark after noting on its counterfoil the number on the electoral roll of the elector to whom it is sent; and he shall at the same time send the elector a copy in English of regulations 43, 44 and 45 and shall communicate to him his electoral number and the date fixed for the counting of votes.

42A. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper, may, on returning it to the Returning Officer, and satisfying him of the inadvertence, before 3 o'clock on the date preceding that fixed for the counting of votes obtain another ballot paper in place of the spoilt paper and the latter shall together with its counterfoil be marked as cancelled

42B. An elector whose ballot paper has been returned to the Returning Offi[illegible]
signed by [illegible]
obtain the [illegible]
the Returning Officer to forward it to him again by registered post.

43 No account will be taken of a ballot paper unless it is received by the Returning Officer not later than the day before that fixed for the counting of votes, or if for any of the reasons given in regulation 37 it is invalid.

44. The election shall not be invalidated because an elector to whom a ballot paper has been duly forwarded failed to receive it in time to enable him to return it to the Returning Officer not later than the day prescribed.

45. (1) An elector to whom a ballot paper has been sent under regulation 42 may mark it in favour of the candidate for whom he desires [illegible] the
[illegible] th a
[illegible] ning
[illegible] t or
[illegible] that
[illegible] lope
unless the covering letter which accompanies it bears on it the signature and electoral number of the elector, and is countersigned and sealed with the seal of his office by the Returning Officer, or by a Justice of the Peace, or by any Magistrate or Civil Judge having jurisdiction in British territory, or by a Political Officer not lower in rank than an Assistant Political Agent of a State in India, or by the Chief Judge or the highest judicial authority of a State in India who shall certify that the elector has signed the covering letter in his presence and that the elector is personally known to him or has been identified by some person who is personally known to him.

(2) An elector who for any reason is unable to sign the covering letter, shall affix his thumb mark and immediately under it his name shall be clearly written.

46. The Returning Officer shall open all envelopes received by him before the date fixed for the counting of votes, and shall make a mark in the electoral roll against the name of the elector purporting to sign the covering letter to indicate that this ballot paper has been received; and in every case in which the covering letter is duly authenticated shall deposit in a locked and sealed ballot box the closed envelope containing the ballot paper unopened, and in another locked and sealed box the covering letter.

47 If a closed envelope containing a ballot paper is received by the Returning Officer purporting to contain the ballot paper of an elector whose covering letter is not duly authenticated or whose name has already been marked as having voted the Returning Officer shall endorse the envelope containing the ballot paper with the name of the elector and his electoral number and shall place it with its covering letter in a separate parcel and deal with such ballot paper as a tendered ballot paper.

48 The Returning Officer shall notify to the candidates, or their agents, the place, date and time fixed by him for the counting of votes, and at such place, date and time he shall open the ballot box and shall proceed in the manner prescribed for the Returning Officer of a general consti[illegible] votes and the action to be tak[illegible] and shall make out an accour[illegible]ck and of the tendered ballot [illegible]els sealed with the seal provided and marked outside with the name of the constituency and the nature of the contents, the ballot papers returned, the covering letters received with ballot papers deposited in the ballot box, the tendered ballot papers with their covering letters, the counterfoils of the ballot papers which have been issued, the ballot papers which have not been issued and the marked copy of the electoral roll, and he shall make these into a package sealed and marked as prescribed above and shall forward the package for safe custody to the Deputy Commissioner of the district in which the counting of votes took place.

49 While in the custody of the Deputy Commissioner to whom they have been so forwarded, the parcels of ballot papers whether counted, rejected or tendered and of the counterfoils thereof and the marked copy of the electoral roll, shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee, if any, as the local Government may impose.

50. The parcels aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioner appointed to hold an inquiry in respect of an election

51. The Deputy Commissioner may delegate any of the duties imposed by these Regulations on a Deputy Commissioner as such to any gazetted officer, if he is unavoidably prevented from performing the same.

SCHEDULE.

(See Regulations 1 and 2 for Nominations and Elections.)

Returning Officers.

1	2	3
Ambála Division (Non-Muhammadan).	The Commissioner, Ambála Division, Ambála.	The Inspector of Schools, Ambála Division.
Jullundur Division (NonMuhammadan).	The Commissioner, Jullundur Division, Jullundur.	The Inspector of Schools, Jullundur Division, Jullundur.
West Puujab (Non-Muhammadan).	The Commissioner, Lahore Division, Lahore	The Divisional Electoral Officer, Lahore.
East Punjab (Muhammadan).	The Commis sioner, Ambála Division, Ambála.	The Inspector of Schools, Ambála Division.
East Central Punjab (Muhammadan).	The Junior Secretary to Financial Commissioners, Punjab, and Deputy Secretary to Government, Punjab (Development Department), Lahore	The Assistant Commissioner of Income-tax, Lahore.
West Central Punjab (Muhammadan)	The Additional District Magistrate, Gujranwala District, Gujranwala	The Treasury Officer, Gujranwala
North Punjab (Muhammadan).	The Commissioner, Ráwalpindi Division, Ráwalpindi.	The Inspector of Schools, Ráwalpindi Division, Ráwalpindi.
North-West Punjab (Muhammadan),	The Commissioner, Ráwalpindi Division, Ráwalpindi.	The Inspector of Schools, Rawalpindi Division, Ráwalpindi.
South-West Punjab (Muhammadan).	The Commissioner, Multán Division, Multán.	The Inspector of Schools, Multàn Division, Multàn.
East Punjab (Sikh)	The Commissioner, Jullundur Division, Jullundur.	The Inspector of Schools, Jullundur Division, Jullundur.
West Punjab (Sikh)	The Commissioner, Lahore Division, Lahore	The Divisional Electoral Officer, Lahore.
Punjab Landholders	The Senior Secretary to Financial Commissioners, Punjab, and Deputy Secretary to Government, Punjab (Revenue Department), Lahore.	The Assistant Secretary to Financial Commissioners, Punjab, Lahore.

FORM I.

Form of Front of Ballot Paper.

Counterfoil.

Serial No.

Constituency...............

District...................

Name and number of polling station......... ... ...

Number of elector on electoral roll................

Elector's signature or thumb impression.

Outerfoil.

Front.

×

Roy . .	
Chaudhri .	
Chatterji .	
Bannerji .	
Ghosh . .	

NOTE.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names of candidates and spaces for recording votes.

Serial No.——

FORM II.

TENDERED VOTES LIST.

Polling Station————

Name of constituency.	Name of voter.	Number in Electoral roll.	Signature of voter, if literate, or thumb impression, if illiterate, with his address.

FORM III.

List of Challenged Votes.

Polling Station————

Signature Sheet No.————

Name of constituency.	Number on Electoral roll.	Name.	Signature of voter, if literate, or thumb impression of voter, if illiterate	Name of identifier, if any.	Order of Presiding Officer (in each case).

FORM IV.

Constituency——————

Polling Station——————

District——————

BALLOT PAPERS.

Received.			Issued.			Unissued.		
Serial Nos		Total	Serial Nos		Total.	Serial Nos.		Total.
From	To		From	To		From	To	

NOTE . ...Ballot papers were issued to persons allowed to vote under regulation 24

BALLOT PAPERS.

Total issued	Total returned spoiled	Balance total in ballot box.

TENDERED BALLOT PAPERS.

Received			Issued.			Unissued		
Serial Nos		Total.	Serial Nos.		Total.	Serial Nos.		Total.
From	To		From	To		From	To	

TENDERED BALLOT PAPERS.

Total issued.	Total returned spoiled.	Balance total in packet.

Date......................

Signature....................

Presiding Officer.

Regulations for the preservation, inspection, and production of ballot papers and other election papers.

1. Statement Nos. 1, 2 and 3 relating to urban areas prepared under

next revision of electoral rolls of the constituencies concerned and shall thereafter be destroyed

2 Copies of the final electoral rolls, of the general constituencies shall be kept in the general record rooms of the districts to which they relate as well as in the Punjab Civil Secretariat and shall be destroyed after the completion of next revision of the rolls

3 The nomination papers of candidates, the documents relating to the appointment of election and other agents, the revocation of such appointments and withdrawals from candidature shall be kept in the Office of the Deputy Commissioner in whose districts the counting of votes for the seat to which they relate took place and shall be destroyed after three years unless their retention for a longer period is ordered by the Local Government or any officer duly authorised to order such retention

4 The files of claims and objections decided by revising authorities of special constituencies shall be kept in the Judicial Branch of the Punjab Civil Secretariat, and shall be destroyed after three years unless their retention for a longer period is ordered by the Local Government or any officer duly authorised to order such retention

5. Election petitions with the proceedings of enquiries by Election Commissioners shall be kept in the Legislative Department of the Government of India and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department.

6 Any person may inspect any of the documents mentioned in the above regulations and obtain copies thereof on payment of fees on the scale for the time being prescribed in the Punjab for the inspection of and purchase of copies of revenue records

7 Copies of electoral rolls pertaining to districts may be purchased at the record offices of the districts to which they pertain or from the Punjab Civil Secretariat, Lahore, subject to the condition that 30 copies of each roll shall be retained in the said Secretariat

6.—BURMA.

NOTE.—

Constituencies.	*No. of Members.*
Non-European	*3*
European	*1*

Legislative Assembly (Burma) Electoral Regulations (Legislative Department Notification No. 220, dated the 26th September 1923).

DEFINITIONS.

I. In these Regulations—

(*a*) "Enrolling Officer" means the District Magistrate and includes any officer deputed by the District Magistrate to perform his duties as such Enrolling Officer;

(*b*) "Form" means a Form annexed to these Regulations;

(*c*) "Gazette" means "The Burma Gazette";

(*d*) "Revising Authority" means—

(i) in the case of Rangoon, the Commissioner of the Pegu Division, and

(ii) in other cases the District Magistrate, except when the District Magistrate has himself prepared the Electoral Roll, in which case it shall mean the Commissioner of the Division;

(*e*) "rule" means a rule included in the Legislative Assembly Electoral Rules.

ELECTORAL ROLL.

Electoral Rolls.

II. (1) Electoral Rolls shall be prepared by or under the orders of the Enrolling Officer for each District or for such areas in each District as the District Magistrate may direct, in respect of each constituency, on or before such date as may be prescribed by the Local Government in this behalf The rolls shall be prepared in Form I attached to these Regulations.

(2) As soon as may be after the preparation of the roll, a copy of it shall be posted in a conspicuous manner at such places as the District Magistrate may direct together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or the name of any other person on the roll, may prefer a claim or objection to the Revising Authority:

Provided that the Local Government may direct that the electoral roll for any specified area shall be published also in the Gazette.

(3) As soon as may be after the receipt of notices of such claims or objections, the revising authority shall cause notices to be published in the same manner as the electoral roll, and also, when practicable, to be served on each claimant, each objector, and each person objected to. Every notice shall specify the place, date and time at which such claims or objections will be heard.

(4) On the date specified in such notice, or on any subsequent date to which the hearing may be adjourned, the Revising Authority shall, after hearing such persons as he may deem it necessary to hear, give his decision on such claims or objections by order in writing

(5) Any amendments made in the electoral roll in accordance with the orders of the Revising Authority shall be published in the same manner as the electoral roll.

RETURNING OFFICER

III The Returning Officer for each constituency shall be the Collector, Rangoon Town District·

Appointment of Returning Officer

Provided that the delivery of nomination papers under sub-rule (3) of rule 11 may be made to the Enrolling Officer who is hereby authorised to receive the same

SCRUTINY OF NOMINATIONS.

IV On the date appointed by the Local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11

V (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds —

(i) that the candidate is ineligible for election under rule 5 or rule 6,

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11;

(iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12,

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be,

(v) that the signature of the candidate or of any proposer, or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this Regulation.—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive

evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

VI (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed

VII. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations, and cause it to be affixed in some conspicuous place in his office.

VIII. If the number of duly nominated candidates is greater than the number of vacancies the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the Local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order.

Voting.

IX. *The Local Government shall appoint the hour at which the* poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11 The hours so fixed shall be published by notification in the Gazette and in such other manner as the Local Government may direct.

X. (1) *Every elector desirous of voting shall attend for the pur*pose between the hours appointed under Regulation IX for the commencement and closing of the poll at the office of the officer by whom the electoral roll in which his name is included was prepared or at such other place as the District Magistrate may have appointed to be a polling station for voters whose names are included in that roll.

(2) The Enrolling Officer shall thereupon require the elector to sign a declaration paper in Form II, and, if the Enrolling Officer is

satisfied as to the identity of the elector, he shall record a statement to that effect at the foot of the declaration and deliver to the elector a separate ballot paper in Form III.

(3) The elector shall then proceed to a place screened from observation, which shall be provided by the Enrolling Officer, and there mark his vote on the ballot paper in accordance with the instructions on the face thereof.

(4) The elector shall then deposit the ballot paper in a sealed box with an aperture, provided for the purpose by the Returning Officer

(5) If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the Enrolling Officer may ask, be entitled to record his vote In such case his signature or thumb impression and the signature of his identifying witness shall be taken on a list in Form V bearing the heading "Tendered Votes List " The ballot paper which he shall receive shall be of a colour different from that of the ordinary ballot papers and after his vote has been recorded thereon it shall not be placed in the box referred to in sub-regulation (4) but shall be given to the Enrolling Officer and endorsed by him with the name given by the voter and the number given to that name on the general roll All such ballot papers shall be kept by the Enrolling Officer in a separate packet

(6) If the Enrolling Officer, in cases to which the provisions of sub-regulation (5) do not apply, is not satisfied as to the right of any person who claims to be an elector to vote, or as to his identity, the Enrolling Officer shall require such person to attend at such time as may be fixed by the Local Government in that behalf after the time appointed for the closing of the poll under Regulation IX has expired

(7) When such person has so attended, the Enrolling Officer shall deliver to him a declaration paper in Form II, and, after such person has signed the same, shall record his reasons for disputing the right of such person to vote with the electors at the foot of the declaration. The Enrolling Officer shall then enclose the said declaration paper in an envelope, and deliver it to such person with a ballot paper in Form III

(8) Such persons shall then proceed to a place screened from observation which shall be provided by the Enrolling Officer, mark his vote on the ballot paper in accordance with the instructions on the face thereof, enclose the same in another envelope, and deliver it to the Enrolling Officer together with the envelope containing the declaration paper.

(9) The Enrolling Officer shall close both the envelopes, fastening them together securely and deposit the same, in the presence of the elector, in a separate sealed box with an aperture provided for the purpose by the Returning Officer

(10) If an elector is unable to read or write, or is by reason of blindness or other physical defect incapacitated from making his declaration or recording his vote the Enrolling Officer shall render him such assistance as may be necessary for the purpose

(11) On the expiration of the time fixed for recording the votes, the Enrolling Officer shall close up and seal with his official seal the apertures in all the boxes in which ballot papers have been deposited, and shall despatch the boxes to the Returning Officer with the least possible delay, in such manner as may be prescribed by the Returning Officer.

(12) As soon as possible after the despatch of the boxes, the Enrolling Officer shall also despatch to the Returning Officer in such manner as may be prescribed by the Returning Officer, a list in Form IV of the electors who have voted under sub-regulation (3) together with their declaration papers, a list in Form V of the electors who have voted under sub-regulation (5) together with the packet referred to in that clause, and a list in Form VI of the electors who have voted under sub-regulation (8).

Counting of Votes.

XI. The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

XII (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election

XIII (1) On the day and at the time appointed under Regulation XI, the Returning Officer shall open the boxes referred to in sub-regulation (11) of Regulation X, shall examine the ballot papers deposited therein, shall determine whether each such ballot paper is valid, and shall count the votes recorded for each candidate on papers not rejected as invalid.

(2) The Returning Officer shall reject a ballot paper as invalid, if,—

(a) the number of votes recorded thereon exceeds the number of vacancies to be filled,

(b) no vote is recorded thereon,

(c) it is void for uncertainty,

(d) it bears any mark by which the elector can be identified.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

(4) The Returning Officer shall endorse the word "rejected", with the ground for such rejection, on any ballot paper which he may reject as invalid.

(5) After declaring the result of the election under sub-rule (7) of rule 14, and reporting the same under sub-rule (9) of that rule, the

Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and shall thereafter cause them to be destroyed unless otherwise directed by an order of Commissioners appointed to hold an election inquiry.

(6) During the period for which voting papers and other documents relating to the election are retained by the Returning Officer under the provisions of sub-regulation (5), they shall not be produced except under the orders of a competent court or of Commissioners appointed to hold an election inquiry.

FORM I.

(SEE REGULATION II)

Electoral Roll of the $\frac{\textit{Burma Non-European}}{\textit{Burma European}}$ *Constituency.*

Serial No. (1)	Name of elector. (2)	Name of elector's father. (3)	Address (4)	Qualification. (5)

FORM II

(SEE REGULATION X)

Declaration Paper

I hereby declare that I am the person whose name appears as No on the electoral roll for the $\frac{\text{Burma Non-European}}{\text{Burma European}}$ Constituency, for the election of $\frac{\text{three members}}{\text{one member}}$ to the Legislative Assembly and that I have not voted at any other polling station

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction)

Enrolling Officer

N B —Unless the elector makes the above declaration, no ballot paper shall be delivered by the Enrolling Officer to such elector

FORM III

(SEE REGULATION X.)

Ballot Paper.

Three members are / One member is to be elected to the Legislative Assembly to represent the Burma Non-European / Burma European Constituency.

The following ( ) candidates have been duly nominated.—

Serial number.	Names and descriptions of candidates	Votes

Instructions

1. Each elector has as many votes as there are members to be elected, but no elector shall give more than one vote to any candidate

2. He shall place or cause to be placed a cross × opposite the name of any or all of the three candidates / the candidate for whom he wishes to vote.

3 The vote shall be invalid if the cross × is placed opposite the names of more than the number of members to be elected or if it is so placed as to render it doubtful for which candidate the elector intended to vote.

4 Before his vote is marked, the elector shall sign the declaration in Form III in the presence of the Enrolling Officer

5 This ballot paper shall, when filled in, be deposited in the sealed box provided for the purpose by the Enrolling Officer.

FORM IV.

(SEE REGULATION X.)

List of Electors who have recorded their votes under Regulation X (3).

Serial number.	Name of elector.	Serial number on General roll.

Enrolling Officer for the district of

FORM V

(SEE REGULATION X)

List of Electors who have recorded their votes under Regulation X (5)
(Tendered Votes List)

Serial No.	Name of elector	Serial number on General roll	Signature or thumb impression

Enrolling Officer for the district of

FORM VI.

(SEE REGULATION X.)

List of Electors who have voted under Regulation X (8).

Serial No	Name of elector.	Serial number on General roll	Ground of objection.

Enrolling Officer for the district of

7.—BIHAR AND ORISSA.

NOTE.—

Constituencies.	*No of Members.*
Non-Muhammadan	*8*
Muhammadan	*3*
Landholders	*1*

Legislative Assembly (Bihar and Orissa) Electoral Regulations (Legislative Department Notification No. 239, dated the 27th October 1923.)

Preparation of Electoral Roll

1 In these Regulations "Registration Officer' means the person designated in the first column of the following table in respect of the constituencies specified against him in the second column of the said table, and includes any person whom the Registration Officer may, for the time being, subject to the control of the local Government, depute to perform any of his duties.

TABLE.

1	2
The Commissioner of the Division in which the constituency lies.	All divisional constituencies.
The Commissioner of the Tirhut Division.	(*a*) Darbhanga *cum* Saran Non-Muhammadan Constituency (*b*) Muzaffarpur *cum* Champaran Non-Muhammadan Constituency.
The Commissioner of the Patna Division	(*a*) The Patna *cum* Shahabad Non-Muhammadan Constituency (*b*) The Gaya *cum* Monghyr Non-Muhammadan Constituency
The Commissioner of the Bhagalpur Division	The Bhagalpur, Purnea and the Santhal Parganas Non-Muhammadan Constituency
The Commissioner of the Chota Nagpur Division.	The Patna and Chota Nagpur *cum* Orissa Muhammadan Constituency
The Deputy Secretary to the local Government in the Legislative Department	The Bihar and Orissa Landholders' Constituency

Electoral Roll

2 The electoral roll, which shall be in Form VI for the general constituencies and Form VII for the special constituency, shall contain the name, father's or husband's name (except in the case of European electors), address and qualification of each elector and the registration and polling areas In the case of a property qualification the amount of local rates or taxes, local cess, revenue or rent which

the elector is liable to pay, shall also be specified, but not the amount of income-tax.

3 The electoral roll in respect of the constituencies specified in the first column of the following table shall be published by the Registration Officer at the places and in the language specified respectively in the second and third columns of the said table against the said constituencies:—

TABLE.

Name or class of Constituency.	Place of publication.	Language of publication.
1	2	3
All general constituencies—		
(i) Urban areas	(a) The office of the Registration Officer. (b) The office of every District Magistrate within whose jurisdiction any portion of the constituency lies (c) The office of every municipality, administration committee or cantonment committee in the constituency, and, if the municipality, administration area or cantonment is divided into wards, at a place in each ward.	In the case of non-Muhammadan constituencies, the language in which the record-of-rights of the subdivision in which the urban area is included has been prepared, and, in the case of Muhammadan constituencies, English.
(ii) Rural areas	(a) The office of the Registration Officer. (b) The office of every Sub-divisional Officer, and every police-station within the jurisdiction of whom or which any portion of the constituency lies, and at the headquarters of every chaukidari union in the constituency. (c) For any area not included within the jurisdiction of a police-station or a chaukidari union, such places as the Registration Officer shall direct.	In the case of non-Muhammadan constituencies, the language in which the record-of-rights for each portion of the constituency has been prepared, and, in the case of Muhammadan constituencies, English.
The Bihar and Orissa Landholders' Constituency.	(a) The office of the Registration Officer. (b) The office of every District Magistrate and Subdivisional Officer except in the district of Angul.	English.

4 The publication of the electoral roll shall be made by posting in a conspicuous manner simultaneously at the places prescribed in Regulation 3 a copy of the roll together with a notice in Form I stating the mode in which, and the time within which, a claim by any person whose name is not entered in the roll for its insertion therein, or an objection by any person to the inclusion of his own name or the name of another person on the roll, may be preferred The electoral roll and notice shall remain posted till the expiry of such time

Claims and Objections

5 The Registration Officer shall without fee on the application of any person supply forms of claims and objections

6 The time within which claims and objections may be preferred shall be twenty-one days for rural areas of general constituencies, and fourteen days for urban areas of the said constituencies and for the Landholders' constituency, from the date of the publication of the electoral roll at the office of the Registration Officer

7 If the Registration Officer is satisfied within seven days after the expiry of the time for preferring claims and objections that in any area within the constituency the publication of the roll has not been adequate to provide for the preferment of claims and objections within the time prescribed by Regulation 6, he may order fresh publication for that area, and may extend the time for preferring claims and objections relating to that area up to fifteen days from the date of such fresh publication

8 Claims and objections preferred after the expiry of the time prescribed by Regulation 6 or 7, as the case may be, or by a person not entitled to prefer the same, shall be summarily rejected

9 (1) A claim or objection shall be preferred in writing and may be presented to the Registration Officer at his office by the claimant or objector or through any person duly authorised by the claimant or objector or may be sent to the Registration Officer by post

(2) A claim which shall be in Form II, shall be accompanied by a declaration that the claimant is not under 21 years of age, that he is a British subject or a subject of a State in India and, if the claim be for registration in a general constituency, that he is not registered on the electoral roll of any other general constituency, and shall set forth the qualifications on which the claim is based and the father's or husband's name (except in the case of a European) and the address of the claimant

(3) An objection, which shall be in Form III, shall state the name, father's or husband's name (except in the case of a European) and address of the objector his number on the electoral roll and the area for which he has been entered and the same information in regard to the person against whom the objection is preferred and shall be signed and dated Objections shall be preferred in duplicate.

10 The Registration Officer shall maintain a register of all claims and objections preferred to him and in the case of objections shall notify the person against whom an objection is preferred by sending to him by registered post a copy of the objection

11. The Registration Officer shall, as soon as conveniently may be after the expiry of the time for preferring claims and objections, publish lists of claims and objections in Form IV by causing them to be posted for not less than seven days in a conspicuous manner at his office and, in respect of the constituencies specified in the first column of the following table also at the places specified in the second column of the said table against the said constituencies —

TABLE.

1	2
All general constituencies—	
(*i*) Urban areas . . .	(*a*) The office of every District Magistrate in whose jurisdiction any portion of the constituency lies. (*b*) The office of every municipality, administration committee and cantonment committee in the constituency.
(*ii*) Rural areas . . .	The office of every Subdivisional Officer in whose jurisdiction any portion of the constituency lies.
Landholders' constituency . .	The office of every District Magistrate and Subdivisional Officer in whose jurisdiction any portion of the constituency lies.

Revision of Draft Roll.

12. The Registration Officer of each constituency shall appoint with the general or special approval of the local Government a Revising Authority, or such number of Revising Authorities as he deems necessary, to decide claims and objections, and, when he has appointed more than one Revising Authority, shall distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer the decision of claims or objections from one Revising Authority to another.

13. The Revising Authority shall publish a notice in Form V of the date, time and place of hearing the claims and objections which shall remain posted for seven days before the hearing of the claims and objections at the places prescribed in Regulation 11 for the publication of lists of claims and objections. In choosing the place of hearing the Revising Authority shall have regard to the convenience of the parties concerned.

14 (1) At the time fixed for the hearing the Revising Authority shall hold a summary enquiry into each claim and objection preferred and shall record his decision in writing, provided that he may, if he thinks fit, adjourn the enquiry to a date, time, and place which shall be specified in the order of adjournment

(2) For the purpose of the Revising Authority's enquiry the roll as published shall be presumed to be correct and complete until the contrary is proved.

(3) The Revising Authority may of his own motion order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and order to be expunged from the roll any incomplete entry or the name of any person —

(*a*) whose qualification as entered in the list is insufficient to entitle him to be registered,

(*b*) who is incapacitated from voting by reason of any of the disqualifications set out in rule 7 of the Legislative Assembly Electoral Rules;

(*c*) who is proved to him to be dead; or

(*d*) who has been entered in more than one place on the roll of the same constituency from such other place or places;

Provided that—

(1) before passing an order under clause (*a*) or (*b*) the Revising Authority shall, if this can conveniently be done, give an opportunity to any person concerned to be heard, and

(2) before passing an order under clause (*d*) the Revising Officer shall issue a notice, upon the person whose name has been entered more than once on the roll of a general constituency informing him that he may select, within such time as the Registration Officer may allow in this behalf, the entry to be retained

15 The Revising Authority shall report to the Registration Officer his decision on all claims and objections disposed of by him and the orders made on his own motion, and the Registration Officer shall amend the roll in accordance with such decisions and orders

Final Publication of Roll

16 The roll after it has been amended shall be republished under the authority of the Registration Officer by posting it in a conspicuous manner at his office, and at the office of the District Magistrate within whose jurisdiction any part of the constituency lies Such number of copies of the roll as republished as the Registration Officer deems to be sufficient shall be kept by him for sale

17 Two copies of the roll as finally published shall be certified by the Registration Officer and deposited in the Record Room of the Bihar and Orissa Civil Secretariat

Savings.

18. Where it is prescribed that the electoral roll or any list or notice relating thereto shall be published by posting at specified places and for a specified period of time, failure to publish for the prescribed time at any such places shall not invalidate the publication provided that reasonable precautions have been taken by the officer responsible for such publication to secure publicity. The publication at any place of an extract from the electoral roll or any list relating thereto shall, so far as the portion of the constituency for which such place has been prescribed as a place of publication is concerned, be deemed to be sufficient publication of such roll or list provided that the extract contains the information which relates to that portion of the constituency.

19 No misnomer or inaccurate description of any person or place on the electoral roll or in any list or notice relating thereto shall prejudice the operation of these regulations in respect of such person or place, provided that the person or place is so designated as to be commonly understood

Amendment of Electoral Rolls.

20. Applications under sub-rule (6) of rule 9 for amendment of any electoral roll published under regulation 16 may be made to the Registration Officer of the constituency concerned The Registration Officer shall forward them to the local Government and, in cases where the Governor General in Council directs the preparation of a list of amendments, shall deal with such applications in the manner prescribed in regulations 9 to 15 for the treatment of claims and objections: Provided that where any such application is made for the correction of any existing entry in the electoral roll and the Registration Officer is satisfied after personally hearing the applicant that the entry relating to him is erroneous or defective in any particular he may amend the roll or cause it to be amended accordingly.

CONDUCT OF ELECTIONS.

The Appointment of a Returning Officer.

21. The Returning Officer for the constituencies mentioned in the first column of the Schedule to these regulations shall be the persons respectively specified in the corresponding entry in the second column thereof

22 (1) The persons specified in the third column of the said Schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof:

Provided that no such person shall perform any of the functions of a Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes.

unless the Returning Officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by the person first specified in the corresponding entry in the third column of the Schedule

(2) References to the Returning Officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1)

Scrutiny of Nominations

23 On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person, duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers* of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

24. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds —

- (i) that the candidate is ineligible for election under rule 5 or rule 6;
- (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11;
- (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12;
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be,
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this regulation,—

(a) the production of a certified copy† of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper,

* Forms of nomination paper will be supplied free of cost by the Returning Officer on application by candidates.

† A certified copy of an entry in the roll will be supplied by the District Magistrate on payment of the prescribed fees.

as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

25 (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected or is accepted after objection has been taken to its validity, shall record in writing a brief statement of his reasons for such rejection or acceptance.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule 2 of rule 11 and no adjournment of the proceedings shall be allowed.

26 On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

27 If the number of duly nominated candidates is greater than the number of vacancies the Returning Officer shall forthwith publish in the *Bihar and Orissa Gazette*, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order.

Voting in Constituencies other than the Landholders' Constituency.

28 The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the *Bihar and Orissa Gazette* and in such other manner as the local Government may prescribe.

29. (1) The Returning Officer shall select for each constituency as many polling stations as he thinks necessary and the District Magistrate shall publish, in such manner as the local Government may prescribe, a list showing the polling stations so selected, and the polling areas for which they have respectively been selected.

(2) The District Magistrate shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary

30 (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers, the candidates, and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate, and authorised in this behalf by the Returning Officer,

(b) the police or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the local Government under regulation 28, and shall not admit any voter thereto after that hour

Provided that if the presiding officer, owing to the occurrence within the polling station of rioting or disorder beyond his control, is compelled to close the poll before the hour so appointed by Government the poll shall be adjourned to the following day to an hour to be fixed by the presiding officer and shall remain open on that day for a period equal to the period during which the recording of votes was prevented on the previous day.

31 No ballot paper shall be issued after the closing hour appointed under regulation 28 but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

32 Each polling station shall be furnished with such number of compartments, in which voters can record their votes screened from observation, as the Returning Officer thinks necessary

33 The Returning Officer shall provide at each polling station one ballot box for each of the candidates on which his name shall be written The box shall also be coloured and numbered, a separate serial number and colour being assigned by the Returning Officer to each candidate of which notice shall be published at each polling station at least 48 hours before the date of the polling.

34. (1) The Returning Officer shall provide at each polling station instruments for stamping an official mark on the ballot papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station .

(2) The official mark shall be kept secret, and a period of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency in the same polling area

(2) Have you already voted at the present election in this constituency?

and at a general election,

(3) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative

42 The ballot paper shall be in Form IX annexed to these regulations and shall be serially numbered on the back

43 If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to receive a ballot paper Such ballot paper (hereinafter referred to as a tendered ballot paper) shall be in Form X annexed to these regulations and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the candidate for whom such person desires to vote and with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer The name of the voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form XI annexed to these regulations, which shall bear the heading "Tendered votes list" The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list

44 If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form XII annexed to these regulations) his name and address, or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification If such person on being questioned in the manner provided in regulation 41 answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation The presiding officer shall make a note of the circumstances, and of his decision on the list of challenged votes

45 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper and the latter shall, together with the entry relating to it in the ballot paper list, be marked as cancelled

46 A presiding officer, polling officer or polling agent who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by a Returning Officer to be entitled to vote at the election for the constituency in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station The name of the polling station at which he would otherwise have been entitled to vote shall be entered on the ballot paper list together with his number in the electoral roll for the constituency in which that polling station is situated. He shall record on the back of the certificate given by the Returning Officer only the name of the candidate to whom he gives his vote, and, unless the voter be the presiding officer himself, hand it with the ballot paper to the presiding officer

47 (1) Such certificate and ballot paper shall be placed in an envelope and sealed by the presiding officer and returned to the Returning Officer who has granted the certificate and such Returning Officer shall cause such vote to be included among the other votes given for the candidate designated by the voter.

(2) The certificates received by the Returning Officer with ballot papers under this regulation shall be preserved for the same period and by the same authority as the ballot papers

48 The presiding officer of each polling station as soon as practicable after the close of the poll shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seals of such candidates or agents as may desire to affix their seals.—

(1) each ballot box in use at each station unopened but with the key attached and the slit in the lid sealed up,

(2) the unused ballot papers,

(3) the tendered ballot papers;

(4) the spoilt ballot papers,

(5) the marked copy of the electoral roll;

(6) the ballot paper lists;

(7) the tendered votes list; and

(8) the list of challenged votes;

and shall deliver such packets to the Returning Officer.

49. The packets shall be accompanied by a statement made by the presiding officer, showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, and ballot papers dealt with under regulation 46.

Counting of Votes in Constituencies other than the Landholders' Constituency.

50. The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents

51. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

52. On the day and at the time appointed under regulation 50 the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall *then proceed as follows* —

(a) The ballot box or boxes relating to each polling station shall be opened one after another, and the Returning Officer shall take out the papers therefrom, count them or cause them to be counted and record the number thereof in a statement Such statement shall not be shewn to any candidate, election agent or representative

(b) After the number of ballot papers received in each box from each polling station has been recorded, the ballot papers given to each candidate will be put together in convenient bundles and thereafter the Returning Officer shall allow the candidates, their election agents, and any representatives duly authorized under sub-rule (6) of rule 14, reasonable opportunity to inspect, without handling, the ballot papers and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected" If any candidate, election agent or representative present questions the correctness of the rejection, the Returning Officer shall also record on the ballot paper the grounds for the rejection No candidate, agent or representative shall be allowed to see the serial number on the back of any ballot paper

(c) The Returning Officer shall as far as practicable, proceed continuously with the counting of the votes, and shall, *during any necessary intervals during which the counting* has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, agents, or representatives, as may desire to affix their seals, and shall cause adequate precautions to be taken for their custody

53 (1) A ballot paper shall be rejected if—

(a) it has not on its back the official mark,

(b) it bears any mark by which the elector can be identified

(2) The decision of the Returning Officer as to the validity of a *ballot paper shall be final, subject only to reversal* on an election petition claiming the seat

54. The Returning Officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the ballot paper lists He shall verify the statement submitted by the presiding officer under regulation 49 by comparing it with the number of counted votes and rejected ballot papers, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers

55. The Returning Officer shall then prepare and certify a return in Form XVII setting forth—

(1) the result of the verification referred to in regulation 54,

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(4) the name or names of the candidate or candidates elected,

(5) the number of votes declared invalid, and

(6) the number of tendered votes given,

and shall permit any candidate, election agent, or any representative duly authorized under sub-rule (6) of rule 14, to take a copy or an extract from such return.

Voting in the Landholders' Constituency

56. The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the *Bihar and Orissa Gazette* and in such other manner as the local Government may prescribe.

57 Not less than fifteen clear days before the date fixed for the poll, the Returning Officer shall send by registered post a declaration paper and a ballot paper (hereinafter referred to collectively as voting papers) to each elector to the address entered against his name in the electoral roll

58. The declaration paper shall be in Form XIII and the ballot paper in Form XIV To each elector shall be issued the voting papers whose serial numbers correspond to the number which the elector bears on the electoral roll. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot paper.

59. Before the election papers are issued to an elector, the Returning Officer shall—

(a) have the name of the elector entered on the declaration paper; and

(b) place his initials against the name of the elector concerned in the electoral roll, or the copy of it used for the purpose of the election.

60. With the voting papers, the Returning Officer shall send an envelope addressed to himself in Form XV, a smaller envelope with the number of the ballot paper entered on its face and a letter in Form XVI. The Returning Officer shall have the number of the ballot paper entered at the left-hand bottom corner of the larger envelope.

61. Each elector upon receipt of his voting papers, if he desires to vote in the election, shall first sign the declaration in the presence of an Attesting Officer who shall attest his signature; whereupon the elector may record his vote on the ballot paper

62 Any gazetted officer of Government may attest the declaration.

63. After recording his vote the elector shall enclose his ballot paper in the smaller envelope, fasten up the smaller envelope and enclose it with the declaration paper in the larger envelope which he shall send by post to the Returning Officer so as to reach him not later than the hour fixed under Regulation 51 for the closing of the poll. Envelopes received after that hour shall be rejected

Provided that the elector may, at his option, instead of sending the envelope to the Returning Officer by post, deposit it in a ballot box which shall be provided for the purpose at the office of the Returning Officer during the hours fixed for the poll under the aforesaid regulation

64 If an elector is incapacitated from blindness or other physical cause from voting in the manner prescribed above, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his declaration, and such officer shall certify on the declaration paper the incapacity and attest the fact of his having been requested by the elector to sign the declaration paper and to mark the ballot paper for him, and of their having been so signed and marked by him in the presence of the elector

65. An elector who has not received his voting papers, or whose voting papers before their despatch back to the Returning Officer, have been inadvertently spoilt in such manner that they cannot be conveniently used as such, or who has lost his voting papers may, on making a declaration to that effect, obtain from the Returning Officer new voting papers In every case when new voting papers are issued a mark shall be placed against the number of the elector's name in the roll to denote that new papers have been issued in place of those not received, spoilt or lost, as the case may be.

66. No election shall be invalidated by reason that an elector has not received the voting papers duly sent to him under these regulations.

Counting of Votes in the Landholders' Constituency.

67 The Returning Officer shall, as soon as may be practicable after the close of the poll, fix a date, time and place for the counting of votes, and shall give notice in writing thereof to all candidates and their election agents.

68. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14

(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

69 On the day and at the time appointed under Regulation 67 the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(*a*) The envelopes in Form XV received from electors by the Returning Officer, except those rejected under regulation 63, shall first be arranged serially according to the numbers entered on them and shall then be opened by the Returning Officer or in his presence. The Returning Officer shall first ascertain or cause to be ascertained whether the numbers on the declaration papers and the smaller envelopes containing the ballot papers are correct.

(*b*) If the Returning Officer is satisfied on this point and if the declaration and attestation appear to be regular, he shall file the declaration papers and put the closed envelopes containing the ballot papers in a separate heap.

(*c*) Where the Returning Officer is not satisfied that a declaration paper is the one sent out by him to the elector concerned, or where the declaration or attestation is not in order, or where the elector has failed to comply with the provisions of Regulation 63, he shall endorse the word 'rejected' on the back of the declaration paper and keep it with the connected ballot paper in a separate bundle.

(*d*) The envelopes containing the ballot papers except those rejected under Regulation 63 or clause (*c*) of this Regulation shall then be opened, the papers examined, and the votes counted by the Returning Officer or under his supervision.

(e) The Returning Officer shall allow the candidates, their election agents and any representatives duly authorized under sub-rule (6) of rule 14 reasonable opportunity to inspect, without handling, the ballot papers and shall on every ballot paper which is rejected endorse the word 'rejected'. If any candidate, election agent or representative present questions the correctness of the rejection, the Returning Officer shall also record on the ballot paper the grounds for the rejection No candidate, agent or representative shall be allowed to see the serial number on the back of any ballot paper.

70 The Returning Officer, shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, agents or representative as may desire to affix their seals, and shall cause adequate precautions to be taken for their custody

71 (1) A ballot paper shall be rejected if—

(a) it has not been issued by the Returning Officer,

(b) no vote is recorded thereon;

(c) it is void for uncertainty,

(d) it bears any mark by which the elector can be identified.

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat

72 Upon the completion of the counting the Returning Officer shall seal up in separate packets—

(1) the counted ballot papers,

(2) the rejected declaration papers and connected ballot papers,

(3) the ballot papers rejected at the count,

(4) the file of declaration papers, and

(5) the marked copy of the electoral roll

73. The Returning Officer shall then prepare and certify a return in Form XVII setting forth—

(1) the names of the candidates for whom valid votes have been given;

(2) the number of valid votes given for each candidate;

(3) the name of the candidate elected; and

(4) the number of votes declared invalid;

and shall permit any candidate, election agent, or any representative duly authorized under sub-rule (6) of rule 14 to take a copy or an extract from such return.

Regulations Applicable to all Constituencies.

74. The Returning Officer shall, after reporting the result of the election under rule 14,—

(1) forward a copy of the return to the Chief Secretary to the local Government and also to the Secretary to the Government of India in the Legislative Department; and

(2) forward the original return and all the packets relating to the election in his possession to such officer as may be appointed by the local Government in this behalf

75 While in the custody of the officer to whom they have been so forwarded, the packets of ballot papers whether counted, rejected or tendered, and of the ballot paper and tendered votes lists and in the case of postal elections the declaration papers and the rejected declaration papers with their connected ballot papers shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election but all other documents relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the local Government may impose.

76. The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election

Custody and Preservation of Election Papers.

77 The following regulations shall be observed for the custody and preservation, inspection and production of ballot papers and other election papers enumerated below:—

(1) The preliminary electoral rolls published under regulation 8 at the office of the Registration Officer.

(2) Claims and objections having reference to the preliminary rolls and registers recording such claims and objections.

(3) Final Electoral rolls as republished under regulation 16.

(4) Nomination papers of candidates and notices of withdrawal from candidature

(5) Lists of candidates nominated

(6) Letters of appointment of election agents and notices of the revocation of such appointments

(7) Orders of Returning Officers appointing the polling stations for polling areas within their constituency

(8) Returns of the Returning Officers prepared under Regulations 55 and 73 and ballot paper accounts

(9) Returns of election expenses and the declarations of candidates and their agents relating thereto

78 Of the above papers items 1, 2, 3 and 7 shall be preserved until after the next revision of the electoral rolls of the constituencies to which they relate and shall then be destroyed or sold as waste paper. In general and landholders' constituencies items 1 and 2 shall be kept in the record room of the Registration Officer, item 3 shall be kept in the record room of the District Magistrate in whose district the electoral rolls were published and item 7 shall be kept in the record room of the Returning Officer.

79. Items 4, 5 and 6 for the different constituencies shall be preserved in the same places as item 7. These papers shall be destroyed after three years unless their retention for a longer period is ordered by the local Government

80 Item number 8 shall be kept by the Returning Officer and shall be destroyed together with the ballot papers after one year unless their retention for a longer period is ordered by a competent authority

81. Item 9 shall be kept in the same places as item 7, and shall be destroyed after five years.

82. Election petitions with the proceedings and reports of the Election Commissioners thereon shall be kept in the Legislative Department of the Government of India and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department

83 The public shall have a right on payment of a fee of Rs 2 to inspect the papers in items 1 to 8 of Regulation 77 and to obtain certified or attested copies of any of the papers preserved under that regulation on payment of the same fees as are prescribed for copies of the Revenue Records in paragraphs 286, 287, 310 and 311 of the B. & O. Records Manual.

SCHEDULE.

(See Regulation 21.)

Serial No.	Name of Constituency.	Returning Officer.	Extra Returning Officers.
	1	2	3
1	Darbhanga *cum* Saran (Non-Muhammadan).	Commissioner of the Tirhut Division	The District Magistrates of Darbhanga and Saran.
1A	Muzaffarpur *cum* Champaran (Non-Muhammadan).	Ditto .	The District Magistrates of Muzaffarpur and Champaran.
2	Orissa Division (Non. Muhammadan).	The Commissioner of the Orissa Division.	The District Magistrates of Cuttack, Balasore, Puri and Sambalpur.
3	Patna *cum* Shahabad (Non-Muhammadan).	The Commissioner of the Patna Division.	The District Magistrates of Patna and Shahabad.
4	Gaya *cum* Monghyr (Non-Muhammadan).	Ditto .	The District Magistrates of Gaya and Monghyr.
5	Bhagalpur, Purnea and the Santhal Parganas (Non-Muhammadan)	The Commissioner of the Bhagalpur Division.	The District Magistrates of Bhagalpur and Purnea and the Deputy Commissioner of the Santhal Parganas.
6	Chota Nagpur Division (Non-Muhammadan).	The Commissioner of the Chota Nagpur Division.	The Deputy Commissioners of Ranchi, Hazaribagh, Manbhum, Singhbhum and Palamau.
7	Patna and Chota Nagpur *cum* Orissa (Muhammadan).	Ditto .	The Deputy Commissioner of Ranchi and the District Magistrates of Patna and Cuttack.
8	Bhagalpur Division (Muhammadan).	The Commissioner of the Bhagalpur Division	The District Magistrates of Bhagalpur, Purnea and Monghyr and the Deputy Commissioner of the Santhal Parganas.
9	Tirhut Division (Muhammadan).	The Commissioner of the Tirhut Division.	The District Magistrates of Muzaffarpur, Saran, Champaran and Darbhanga.
10	Bihar and Orissa Landholders	The Deputy Secretary to the Government of Bihar and Orissa, Legislative Department, Patna.	The Under Secretary to the Government of Bihar and Orissa, Political and Appointment Departments.

FORM I.

(See Regulation 4)

Notice of Publication of the Electoral Roll.

The electoral roll of......................constituency has been duly published on the date given below. Any person who claims to be entitled to be registered as an elector and who is not entered in the roll or is entered in an incorrect place or manner or with incorrect particulars may claim to be registered or registered correctly The petition of claim shall be preferred in Form II and shall include a declaration that the claimant has attained the age of 21 years, is a British subject or is qualified as a subject of a State in India and shall set forth the qualifications on which the claim is based, the father's or husband's name and the address of the claimant and shall be signed and dated

Any person whose name is entered on the roll and who objects to the inclusion of his own name or of the name of any other person entered on the roll may prefer an objection to the Registration Officer. The petition of objection shall be preferred in Form III and shall contain name, father's or husband's name, and address of the objector and the nature and grounds of the objection and the name and father's or husband's name of the person against whom the objection is preferred and shall be signed and dated. Petitions of objections shall be preferred in duplicate

Each claim or objection shall be made in a separate petition which may be presented at the office of the Registration Officer by the claimant or objector personally, or by any person duly authorized by the claimant or objector or may be sent to the Registration Officer by post within $\frac{21}{14}$ days of the date of publication of this notice.

Signature of Registration Officer ....

Designation... ... .

Date of publication ....

FORM II

(See Regulation 9)

Notice of claim for $\frac{\text{Registration}}{\text{Correction of registry}}$.

To the Registration Officer of .... constituency.

I hereby give notice that I claim to have $\frac{\text{the registry of my name corrected}}{\text{my name entered}}$ in the roll of electors for the constituency of .... as follows —

Name of claimant and claimant's father, or husband.	Address—Village, Thana and Post Office.	Qualifications.

I declare that I am a $\frac{\text{British Subject}}{\text{subject of State of India}}$ and that I have attained the age of 21 years.

Signature of claimant

Date.....................

FORM III.

(See Regulation 9.)

Notice of objection to registration (to be presented in duplicate).

To the Registration Officer of................ ..constituency.

I hereby give notice that I object to the name of the person mentioned and described below being retained in the electoral roll for the polling area of ....in the constituency of................

Name of person objected to	Polling area and number in preliminary roll.	Nature of objection.
1	2	3

Date............

Signature of objector.................

Father's or husband's name..........

Address.......................

Polling area and number in preliminary roll.........

FORM IV.

(See Regulation 11.)

List of claims and objections for the .... constituency.

The following persons have made claims for registration.—

District.	Polling area.	Serial No.	Name of claimant.	Father's or husband's name.	Address.	Class of qualifications.

The following objections have been received regarding entries in the roll for .... constituency.

District.	Subdivision or Municipality.	Serial No.	Name of person against whom the objections preferred and number on roll	Father's name.	Address.	Name of objector and number on roll.	Father's or husband's name.	Address.
1	2	3	4	5	6	7	8	9

Signature of the Registration Officer.. ... .

Designation. ... .

Date of publication.,. ... .

FORM V

(*See Regulation 13*)

Notice is hereby given that claims and objections relating to the electoral roll of the . constituency, preferred by persons registered in the* will be heard by me at the places and on the dates noted below, commencing at the hour of .. . .

Date . . .

Signature of Revising Authority . . . .

*Here note the portion of the constituency covered by this notice, *e.g.*, name of subdivision or municipality.

FORM VI.

(See Regulation 2.)

FORM OF ELECTORAL ROLL FOR GENERAL CONSTITUENCIES.

Roll of electors of the.............................. constituency..................

or { Urban area.......................in district..............
Ward No..............................

Thana .... in district.................

Police station..............

Polling station........................

Serial No.	Name of elector.	Father's or husband's name.	Address of elector.	Whether he is a proprietor, tenureholder, raiyat, income-tax payer, etc.	Qualifications.
1	2	3	4	5	6

FORM VII.

(See Regulation 2.)

FORM OF ELECTORAL ROLL FOR THE LANDHOLDERS' CONSTITUENCY.

District........................ Subdivision ....

Serial No.	Name of elector.	Father's or husband's name.	Postal address of elector.	Qualifications.
1	2	3	4	5

FORM VIII.

(See Regulation 37.)

Ballot Paper List.

Legislative Assembly, Bihar and Orissa.
Constituency.......................
Polling station......... ....

Serial No. of ballot paper.	Elector's No.	Serial No of ballot paper.	Elector's No	Serial No. of ballot paper.	Elector's No.	Serial No. of bollot paper.	Elector's No.

FORM IX

(See Regulation 42.)

Ballot Paper.

Front of Form.

Legislative Assembly, A Bihar and Orissa.

Back of Form

Serial No

The large letter A shall be printed in red

FORM X

(See Regulation 43.)

Tendered Ballot Paper

Legislative Assembly, Bihar and Orissa
Polling station . . . .
Constituency .. . .
Name of voter . ...
Number on electoral roll ... .
Name of candidate for whom the vote is tendered. .. . .
Signature of Presiding Officer........ ....
Date ....

FORM XI

(See Regulation 43.)

Tendered Votes List.

Name of constituency ... .

Polling station..........................

Name of voter.	Number on electoral roll.	Number of votes recorded	Signature or thumb impression of voter.

FORM XII

(See Regulation 44.)

List of Challenged Votes.

Signature Sheet No.... ....

Number on electoral roll.	Name.	Signature of voter if literate or thumb impression of voter if illiterate.	Name of identifier, if any.

Order of Presiding Officer (in each case).

FORM XIII.

(*See Regulation 58.*)
Declaration Paper.

Landholders'
Constituency.

Legislative Assembly
Election.

Serial No.

Elector's name and number on the roll.

Elector's declaration.

I (name in full and designation) declare that I am an elector for this constituency and have signed no other voting paper at this election for this constituency.

Signature of elector... .....

Address..... ....

Signed in my presence by the elector who is personally known to me / who has been identified to my satisfaction

Date ....

Signature.... . .. .
Official designation .

FORM XIV.

(*See Regulation 58.*)
Ballot Paper.

Landholders'
Constituency.

Legislative Assembly
Election.

Names of candidates.

(1) Place a cross mark thus × against the name of the candidate for whom you wish to vote

(2) The mark should be placed against not more than one name.

FORM XV

(*See Regulation 60*)
Face of Envelope
Legislative Assembly Election

Constituency—Landholders.

Poll on . . . .

To

The Returning Officer,

Landholders' Constituency

. .. .(station and address).

No.

FORM XVI.

(See Regulation 60.)

Letter of Intimation.

Landholders' Constituency.

SIR,

The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the Legislative Assembly Should you desire to vote at this election, I have to request that you will—

(a) first sign the declaration paper in the presence of an Attesting Officer;

(b) then mark your vote in the column provided for the purpose in the ballot paper;

(c) enclose the ballot paper in the smaller envelope, and

(d) put the smaller envelope and the declaration paper in the envelope addressed to me and return it to me by post so as to reach me not later than —$\frac{A.M.}{P.M.}$ on the day of 19

Station

Date

Signed

Returning Officer.

NOTE —The District Magistrate, Sub-Divisional Officer or any gazetted officer of Government may attest the declaration

FORM XVII

(See Regulations 55 and 73.)

Return of Election

Name of candidate.	Number of votes recorded in his favour.
1	2
(1) (2) &c., &c.,	

Total number of valid votes...... .....

Total number of invalid votes..................

*Total number of tendered votes ....

*Total number of votes recorded according to statements of presiding officers..................

I declare that . ...has been duly elected.

Signature,

Returning Officer.

*NOTE.—This has not to be filled up in case of elections held by post.

8.—CENTRAL PROVINCES.

NOTE —

Constituencies	*No of Members.*
Non-Muhammadan	2
Muhammadan	1
Landholders	1

Legislative Assembly (the Central Provinces) Electoral Regulations (Legislative Department Notification No. 190, dated the 29th August 1923).

I.—Regulations under rule 9 (2)

1 In these regulations the "Returning Officer" means the person appointed as such for each constituency by Regulation 1 made under rule 15. Returning Officer.

2 (i) The Deputy Commissioner shall prepare an electoral roll for each constituency or part of a constituency included within his jurisdiction, and where the Deputy Commissioner is not the Returning Officer for any such constituency, shall submit the roll to the Returning Officer in time to allow of the roll being published on the appointed date in the manner prescribed in these regulations. Preparation of electoral roll.

(ii) The electoral roll shall show the name, father's name or, in the case of a married woman, husband's name, age, residence and serial number of the elector and the nature of his qualification.

(iii) The Deputy Commissioner shall cause the roll to be printed in the vernacular of the district, provided that the roll for any area in which European or Anglo-Indian voters are numerous may be printed in English as well as in the vernacular

(iv) Candidates for a constituency shall be entitled to purchase from the Deputy Commissioner at a fair price a reasonable number of copies of the roll of the constituency or of so much of the roll as relates to that part of the constituency which lies in his district

(v) There shall be a separate serial number for the electors of so much of the constituency as lies in each district

3. On or before a date to be notified by the local Government in that behalf, the Deputy Commissioner shall notify to the public in every ward of a Municipality, Cantonment or Notified Area and in every Railway settlement and village included in that part of a constituency which falls in his district, that the electoral roll of the constituency has been published and may be inspected at the places specified in the table below — Publication of roll.

Name of Constituency.	Whether complete roll or part thereof.	Where to be published
(i) Nagpur Division . (ii) Central Provinces Hindi Divisions. (iii) Central Provinces (Muhammadan).	Complete roll of the constituency	(i) At the headquarters of the Returning Officer. (ii) At the headquarters of each district in which any part of the constituency lies.

Name of Constituency.	Whether complete roll or part thereof.	Where to be published.
	So much of the roll as refers to the areas specified in column 3.	(i) At each tahsil headquarters in the constituency, and at the headquarters of each Patwaris Circle in the constituency.
		(ii) In the public place in each ward of every Municipal, Cantonment or Notified Area and in each Railway settlement in the constituency.
(iv) Central Provinces Landholders.	Complete roll of the constituency.	(i) At the headquarters of the Returning Officer.
		(ii) At the headquarters of each district in which any part of the constituency lies.

sentation claims ... ections.

4. (i) To the copies of the electoral roll and of the parts of the roll published under Regulation 3, a notice shall be affixed intimating that any person whose name is not entered in the roll and any person whose name is in the roll, and who objects to the inclusion of the name of any person in the roll, may prefer a claim or an objection in the manner and within the time specified below to the Revising Authority specified in the notice.

(ii) Such claim or objection shall be in writing, and shall be delivered or sent by post together with four copies so as to reach the Revising Authority within one month from the date on which the roll was published; it shall be verified by the claimant or objector in the manner provided for the verification of plaints in the Code of Civil Procedure, 1908.

(iii) Such claim or objection shall specify the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the petitioner intends to lead, the name and address of the claimant or objector, his number, if any, in the electoral roll, and in the case of an objection the name, address and number in the electoral roll of the person to whose entry objection is taken.

(iv) A claim or objection not lodged in the manner or within the period herein prescribed or by a person not entitled to lodge the same shall be rejected.

5. (i) The Revising Authority shall be the senior Judge stationed at the headquarters of the revenue district in which the constituency or portion of a constituency in respect of which the claim or objection has been made is situated,

Revising Authority.

(ii) If it appears to the Revising Authority that he will be unable to decide all claims and objections within one month from the latest date fixed for presentation of claims and objections, he may transfer any claim or objection for hearing to any Judge serving in the revenue district, or to any retired Judge or Magistrate competent and willing to undertake the duty Such Judges and such retired Judges or Magistrates shall observe the procedure prescribed for the Revising Authority by Regulation 6

6 (i) The Revising Authority, on receipt of a claim or objection lodged in the manner herein prescribed, and by a person entitled to lodge such claim or objection, shall fix a date and place for hearing the same and shall give notice of such date and place to the claimant or objector, the Deputy Commissioner concerned shall be made a party to such claim or objection and shall be supplied with a copy of the same and with notice of the date and place fixed for hearing Where objection is taken to the entry of any person in the register a copy of the objection with a notice of the date and place of hearing shall be sent to such person A copy of the claim or objection stating the date and place fixed for hearing shall be placed on the Judge's notice-board and displayed in a public place in the village or town in which the claimant resides or in the case of an objection in which the person whose entry is contested resides The notices issued under this sub-clause shall require the parties concerned to produce on the date fixed for hearing any evidence, oral or documentary, on which they rely

Hearing of claims and objections.

(ii) Where any copy or notice is to be sent under clause (i) such copy or notice shall be sent by post to a claimant or objector to the address given in the claim or objection and to a person objected to, to the address given in the electoral roll a copy or notice so sent shall be deemed to have been duly served.

(iii) The Revising Authority after hearing the evidence, if any, adduced on behalf of the parties and after such further inquiry as he may deem necessary, shall pass order on the claim or objection and such order shall be final

(iv) The record of proceedings shall consist of the claim or objection a note of the date and place of hearing and of the attendance of parties and witnesses and an order stating as briefly as possible the decision and the grounds therefor

(v) Appearance by counsel shall not be permitted

(vi) The Revising Authority shall forthwith send a copy of his order to the Deputy Commissioner.

publication of the roll.

7. The Deputy Commissioner shall correct the roll in accordance with such orders if any, as may have been received from the Revising Authority, and on or before the date fixed by the local Government in this behalf shall publish the roll, as amended or if no orders amending the roll have been received from the Revising Authority, without alteration, at his headquarters, and shall forward a copy of the roll as amended to the Returning Officer for publication at the headquarters of that officer

II —*Regulations under rule 9 (6)*

1 (1) Applications under sub-rule (6) of rule 9 for the amendment of an electoral roll for the time being in force may be made to the Returning Officer of the constituency concerned The Returning Officer shall forward them to the local Government.

(2) The Regulations made under rule 9 (2) shall apply, as far as may be, to the preparation of lists of amendments under rule 9 (6) of the said rules

2 Where any such application is made for the correction of any existing entry in the electoral roll and the Returning Officer is satisfied after personally hearing the applicant that the entry relating to him is erroneous in any particular he may amend the roll or cause it to be amended accordingly

III —*Regulations under rule 15*

Returning Officers.

1 The Returning Officers for the constituencies mentioned in the first column of the Schedule hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof

SCHEDULE

Name of Constituency 1	Returning Officer 2	Persons who may perform the functions of Returning Officer 3
	General Constituencies	
	Non-Muhammadan.	
Nagpur Division	Commissioner, Nagpur Division.	(1) Deputy Commissioner, Nagpur. (2) Deputy Commissioner, Wardha, Chanda, Betul or Chhindwara.
Central Provinces Hindi Divisions.	Commissioner, Jubbulpore Division	Deputy Commissioner, Jubbulpore.
Central Provinces (Muhammadan).	Chief Secretary	Legal Secretary or such other officer as the local Government may appoint
	Special Constituency.	
Central Provinces Landholders.	Chief Secretary	Ditto.

2 (1) The persons specified in the third column of the said Schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof·

Persons who may perform functions of Returning Officers.

Provided that no such person shall perform any of the functions of a Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same in which case the said functions may be performed in any constituency by the person first specified in the corresponding entry in the third column of the Schedule

(2) References to the Returning Officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1)

3 On the date appointed by the local Government for the scrutiny of nominations under clause (*b*) of sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11

Persons who may attend scrutiny of nominations.

4 (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry if any, as he thinks necessary, refuse any nomination on any of the following grounds —

Scrutiny of nominations.

(i) that the candidate is ineligible for election under rule 5 or rule 6,

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11,

(iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12,

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be;

(v) that the signature of the candidate or of any proposer or seconder is not genuine, or has been obtained by fraud.

(2) For the purposes of this regulation—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid

(3) Nothing contained in clause (ii), clause (iii), clause (iv) or clause (v), of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

Acceptance or rejection of nomination papers.

5 (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed

List of valid nominations

6 On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

Publication of names of duly nominated candidates.

7 If the number of duly nominated candidates is greater than the number of vacancies the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order

Polling hours and their publication.

8 The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the Gazette and in such other manner as the local Government may direct.

9 (1) The Deputy Commissioner, subject to the control of the Returning Officer, shall forthwith select for each constituency wholly or partly included within his jurisdiction polling stations for the area under his jurisdiction and shall publish in the manner prescribed in regulation 3 of the regulations under rule 9 (2) of the Legislative Assembly Electoral Rules, lists showing the polling stations fixed and the areas for which they have been fixed.

Arrangement and publication of polling stations

(2) The Deputy Commissioner shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary.

Presiding and polling officers.

10 (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

Presiding officer to keep order at polling station

(a) the polling officers, the candidates, and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate, and authorised in this behalf by the Returning Officer,

(b) the police or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purposes of identifying electors

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the local Government under regulation 8, so as to prevent the admission thereto of any voter after that hour

11. No ballot paper shall be issued after the closing hour appointed under Regulation 8, but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote

No ballot paper to be issued after closing hour.

12 (1) The Returning Officer shall provide at each polling station materials sufficient for the purpose of enabling voters to mark the ballot papers, instruments for stamping the official mark on such papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station

Polling arrangements

(2) The official mark shall be kept secret, and a period of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency

Official mark to be kept secret and not to be repeated within seven years.

13 Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked. The presiding officer at any polling station,

Ballot box how constructed and locked.

immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

Provision of section 4 of Act XXXIX of 1920 to be read to persons present at polling station.

14 Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district

Procedure at poll.

15. Immediately before a ballot paper is delivered to an elector, it shall be marked on the back with the official mark, and the number, name and description of the elector as stated in the electoral roll shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without shewing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station

Manner of record of vote.

16 The ballot box shall be kept beside the presiding officer, the elector shall record his vote in the voting partition by making a cross against the name of the candidate for whom he desires to vote and shall then place his voting paper in the ballot box in the presence of the presiding officer More than one elector may be admitted into the voting partition at the same time.

Assistance to incapacitated voter.

17 The presiding officer shall give such assistance as may be required to any voter who is incapacitated from voting in the manner prescribed

Procedure in case of doubt of identity of elector.

18 At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions.

(1) Are you the person enrolled as follows (reading the whole entry from the roll) ? and

(2) Have you already voted at the present election in this constituency ? and

at a general election,

(3) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and at a general election, the third question also in the negative

19. The voting paper shall be in Form I appended to these regulations and the names of the candidates shall be printed thereon in the published order. the number of the voting paper shall be printed on the foil and counterfoil on the reverse

Form of ballot papers

20 If a person representing himself to be a particular elector named on the electoral roll applies for a ballot after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter Such ballot paper (hereinafter referred to as a tendered ballot paper), instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer The name of the voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form II annexed to these regulations, which shall bear the heading "Tendered votes list" The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list

Tendered votes.

21 If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form III annexed to these regulations) his name and address, or, if he is unable to write to affix his thumb impression thereto and may further require such person to produce evidence of identification If such person on being questioned in the manner provided in regulation 18 answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation The presiding officer shall make a note of the circumstances, and of his decision on the list of challenged votes

Challenged votes.

22 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled

Spoilt ballot papers.

23 (1) A presiding officer, polling officer or polling agent who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by a Returning Officer to be entitled to vote at the election for the constituency in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station The name of the polling station at which he would

Voting by presiding officer, polling officer or polling agent.

otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the electoral roll for the constituency in which that polling station is situated.

(2) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-regulation (1) to the Returning Officer who has granted the same, and such Returning Officer shall cause such vote to be included among the other votes given for the candidate designated by the voter

Despatch of ballot papers and lists.

24. The presiding officer of each polling station, as soon as practicable after the close of the poll shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal:—

(1) each ballot box in use at each station unopened but with the key attached,

(2) the unused ballot papers;

(3) the tendered ballot papers,

(4) the spoilt ballot papers,

(5) the marked copy of the electoral roll;

(6) the counterfoils of the ballot papers;

(7) the tendered votes list; and

(8) the list of challenged votes;

and shall forward such packets to the Returning Officer.

Statement to accompany the ballot papers and lists.

25 The packets shall be accompanied by a statement made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers and ballot papers dealt with under regulation 23.

Appointment of date etc, for counting of votes.

26 The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

Persons who may be present at the counting of votes.

27. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

28. On the day and at the time appointed under regulation 26 the Returning Officer shall read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then —

Scrutiny and counting of votes and declaration of results.

(a) open the ballot box and separate the voting papers which he deems valid from those which he rejects endorsing on the latter the word "rejected" and the ground of rejection;

(b) reject any voting paper on which the voter has recorded more votes than he is entitled to or has placed more than one cross against any one candidate's name or which bears any mark by which the voter may afterwards be identified or which is not duly marked,

(c) count the valid votes given to each candidate and declare the election of the candidate to whom most valid votes have been given;

(d) upon the completion of the counting seal up in separate packets the counted and rejected voting papers, but shall not open the sealed packets of the tendered votes, the marked copies of the roll and the counterfoils. but shall proceed to verify the voting paper account given by each presiding officer under regulation 25 by comparing it with the number of voting papers recorded by him as aforesaid and the unused and spoilt voting papers in his possession and the tendered votes list and shall re-seal each sealed packet after examination and record on each packet a description of its contents and the date of the election to which it refers,

(e) prepare and certify a return setting forth —

(1) the result of the verification referred to in the preceding clause

(2) the names of the persons for whom the valid votes were given,

(3) the number of valid votes given for each person,

(4) the number of votes declared invalid, and

(5) the number of tendered votes given,

(f) permit any candidate or his agent to take a copy or an extract from the return.

29 (1) The Returning Officer, after reporting the result of the election to the Secretary to the Government of India in the Legislative Department under rule 14, shall retain in his custody the return referred to in regulation 28 (e) and the packets referred to in regulation

Custody and destruction of election papers.

28 (*d*) for a period of one year and shall then, unless otherwise directed by the orders of Election Commissioners, cause them to be destroyed

(2) The nomination papers of candidates and the withdrawals from candidature shall be kept in the office of the Returning Officer for the constituency to which they relate and shall be destroyed after one year unless otherwise ordered by the Returning Officer.

(3) After the result of the election is notified the following papers and files, namely —

> Preliminary Electoral Rolls (three copies) and Final Electoral Rolls (all copies) and papers and files relating to claims for correction of the Preliminary Roll or for registration and objections to registration and Revising Officers' registers,

shall be forwarded by the officers concerned to the Returning Officer of the constituency to which they relate The Returning Officer shall keep them in his record room until the next revision of the Electoral Rolls of the constituency to which they relate has been completed and shall then cause them to be destroyed

(4) Returns of election expenses and declarations made in respect thereof shall be kept in the office of the Returning Officer for the constituency to which they relate for a period of three years and shall then be destroyed unless otherwise ordered by the Returning Officer.

(5) Lists showing the polling stations fixed and the areas for which they were fixed shall be retained by the Deputy Commissioner in his record room until the next succeeding election is completed and may thereafter be destroyed

(6) Election petitions with the proceedings and reports of the Election Commissioners thereon shall be kept in the Legislative Department of the Government of India and shall be destroyed after 3 years unless their retention for a longer period is ordered by the Secretary in the said Department.

(7) Preliminary Electoral Rolls in excess of the number prescribed above and other correspondence regarding the preparation of rolls and papers furnished by presiding officers may, except where otherwise provided for by the regulations for the conduct of elections, be disposed of under the orders of the Returning Officer.

Prohibition against production or inspection of certain papers.

30 While in the custody of the Returning Officer the packets of voting papers whether counted, rejected or tendered and the counterfoils thereof shall not be opened, and their contents shall not be inspected or produced except under the orders of a competent court or of Election Commissioners.

31. (1) All other documents in such custody shall be open to inspection on payment of such fee, if any, as may be prescribed. Application for inspection of such documents may be made to the Returning Officer who shall permit inspection by candidates and their agents and by electors entered in the roll of the constituency. The use of pen and ink will not be allowed Pencil and paper may be used for the purpose of making such notes as may be necessary for further reference. The Returning Officer or other official deputed by him in that behalf shall see that the above provisions are strictly enforced.

Inspection of other papers and grant of copies.

(2) Certified copies of the above mentioned documents authenticated by the Returning Officer, or any person authorised by him for the purpose, shall be given on payment of the same fees as are prescribed for grant of copies of records kept under the Central Provinces Land Revenue Act, 1917

FORM I

VOTING PAPER

—	Constituency and District		
	Serial No.	Name of Candidate	Cross.
1. (Here print name of constituency)	1	A B.	
2. No. in the electoral roll of District.	2	C D	
. .	3	E F	

Book No * (To be printed on reverse) Book No (to be printed on reverse) Serial No

Serial No

(To be printed on the reverse at the foot)

For electors other than those in the Central Provinces Hindi Divisions constituency

1 You have only one vote

2 Put a x opposite the name of the candidate for whom you wish to vote

For the electors in the Central Provinces Hindi Divisions constituency—

For that constituency, the following will be printed on reverse at foot —

(1) You have two votes.

(2) You must not give both votes to one candidate

(3) Put a × opposite the name of the candidate for whom you wish to vote.

FORM II

TENDERED VOTES LIST.

Polling station————

Name of constituency.	Name of voter	Number in electoral roll.	Number of votes recorded.

FORM III.

LIST OF CHALLENGED VOTES.

Signature Sheet No. ————

Number on Electoral Roll.	Name.	Signature of voter if literate or thumb impression of voter if illiterate.	Name of identifier if any.

Order of Presiding Officer (in each case).

9.—ASSAM.

NOTE.—

Constituencies.	*No of Members.*
Non-Muhammadan	2
Muhammadan	1
European	1

Legislative Assembly (Assam) Electoral Regulations (Legislative Department Notification No. 206, dated the 10th September, 1923)

Preparation of Electoral Roll

1 (*a*) On or before such date as may be appointed by the Local Government in this behalf, an electoral roll in Form I annexed to these Regulations shall be prepared by an officer (hereinafter referred to as the "registering authority") specially appointed by the Local Government in this behalf

(*b*) The electoral roll shall be prepared in English or in the vernacular of the district or in both as may be convenient

2. (*a*) On or before the date referred to in Regulation 1 the electoral roll shall be published by the registering authority who has prepared it

(*b*) The portion of the roll relating to each district, subdivision, Sub-Deputy Collector's circle, and police station, shall be published at the office of the Deputy Commissioner, the office of the Sub-Divisional Officer, the Circle Sub-Deputy Collector's office and the police station respectively, and an extract of the portion of the roll relating to each village shall, so far as is practicable, be published in each village.

3 Any person whose name has not been entered in the electoral roll may, on or before such date as may be notified for the purpose which shall be not less than 15 days after the date of publication, submit to the Deputy Commissioner or the Sub Divisional Officer a written claim to be so entered

4 Any person entered on the electoral roll may, on or before such date as may be notified for the purpose which shall be not less than 15 days after the date of publication, submit to the Deputy Commissioner or the Sub-Divisional Officer a written objection to any entry in the electoral roll

5 All claims and objections shall be published at the headquarters of the district, the subdivision the police station and the village in which the residence of the person claiming entry, or the person against whose entry an objection is lodged, is situated and a notice with a copy of the objection shall also be served on each person against whom an objection is lodged The notices so published and served shall state the date on which the claims and objections will be heard, which shall not be less than 10 days after the date of publication and service of notice, and the place where the claims and objections will be heard

6 The Local Government shall appoint for each constituency one or more Revising Authorities Such Revising Authority shall hear and decide claims and objections and, after such enquiry and after hearing such persons as may be necessary, may order any addition to, removal from, or alteration in, the electoral roll

7 When the electoral roll has been amended in accordance with the order of the Revising Authority, it shall be republished in the manner provided in Regulation 2.

8 Applications under sub-rule (6) of rule 9 for amendment of any electoral roll republished under regulation 7 may be made to the registering authority for the constituency concerned. The registering authority shall forward them to the Local Government and, if the Governor-General in Council directs the preparation of a list of amendments, shall notify a date, not later than one month from the date of the notification directing the preparation of such list, for the submission of claims and objections These shall be submitted and dealt with in the manner prescribed in regulations 3 to 7 for the submission and disposal of claims and objections

Provided that where the application under sub-rule (6) of rule 9 is made for the correction of any existing entry in the electoral roll and the registering authority is satisfied after personally hearing the applicant that the entry relating to him is erroneous or defective in any particular he may amend the roll or cause it to be amended accordingly

9 For the purposes of these Regulations the term "village" shall, in the districts of Sylhet, Cachar, and Goalpara, mean a Chaukidari circle

The Appointment of a Returning Officer

10 The Returning Officers for the constituency mentioned in the first column of the following Schedule shall be the persons respectively specified in the corresponding entry in the second column thereof —

SCHEDULE.

Name of constituency.	Returning Officer.	Other persons authorised to perform the functions of Returning Officers
1. Assam (European)	Secretary, Legislative Council, Assam.	Under Secretary to the Government of Assam in the Political Department.
2. Assam Valley (Non-Muhammadan).	Commissioner, Assam Valley Division.	Deputy Commissioner, Kamrup; Personal Assistant to the Commissioner, Assam Valley Division.
3. Surma Valley *cum* Shillong (Non-Muhammadan).	Commissioner, Surma Valley and Hill Division.	Deputy Commissioner, Sylhet; Personal Assistant to the Commissioner, Surma Valley and Hill Division.
4. Assam (Muhammadan).	Commissioner, Assam Valley Division.	Deputy Commissioner, Kamrup; Personal Assistant to the Commissioner, Assam Valley Division.

11. (1) The persons specified in the third column of the Schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof:

Provided that no such person shall perform any of the functions of a Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by the person first specified in the corresponding entry in the third column of the Schedule.

(2) References to the Returning Officer in these Regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1).

Scrutiny of Nominations

12. On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate and one other person duly authorised in writing by each candidate but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

13. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:—

(i) that the candidate is ineligible for election under rule 5 or rule 6, or

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11; or

(iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12; or

(iv) that the candidate or any proposer or seconder is not indentical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be; or

(v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this Regulation,—

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusi evidence of the right of any elector named in that e

to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(*b*) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (*ii*), clause (*iii*), clause (*iv*), or clause (*v*) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

14 (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (*b*) of sub-rule (2) of rule 11, and no adjournment of the proceedings shall be allowed

15 On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

16 If the number of duly nominated candidates is greater than the number of vacancies the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order

Voting.

17 The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (*c*) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the Gazette and in such other manner as the local Government may direct

18 (1) The Returning Officer shall select for each constituency as many polling stations as he thinks necessary and shall publish, in such manner as the local Government may prescribe, a list showing the polling stations so selected, and the polling areas for which they have respectively been selected.

(2) The Returning Officer shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary.

19. (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers, the candidates, and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate, and authorised in this behalf by the Returning Officer,

(b) the police or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the local Government under Regulation 17, so as to prevent the admission thereto of any voter after that hour

20. No ballot paper shall be issued after the closing hour appointed under Regulation 17, but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote

21 Each polling station shall be furnished with such number of compartments, in which voters can record their votes screened from observation, as the Returning Officer thinks necessary

22 (1) The Returning Officer shall provide at each polling station materials sufficient for the purpose of enabling voters to mark the ballot papers, instruments for stamping the official mark on such papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station

(2) The official mark shall be kept secret, and a period of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency

23. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed

24. Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 14 of the Elections Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district

25. Immediately before a ballot paper is delivered to an elector, it shall be marked on the back with the official mark, and the number, name and description of the elector as stated in the elec-

roll shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station

26. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and, after shewing to the presiding officer the official mark, shall put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

27. The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.

28 At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions:—

(1) Are you the person enrolled as follows (reading the whole entry from the roll)? and

(2) Have you already voted at the present election in this constituency? and

at a general election,

(3) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.

29. The ballot paper shall be in Form II annexed to these Regulations and shall contain the names of candidates printed thereon. The ballot papers shall be serially numbered, the serial number being printed on the face of the counterfoil and on the back of the ballot paper.

30. *If a person representing himself to be a particular elector* named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officers may ask, be entitled to mark a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall be of a colour different from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer. The name of the

voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form III annexed to these Regulations, which shall bear the heading "Tendered votes list" The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list

31. If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form IV annexed to these Regulations) his name and address, or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification If such person on being questioned in the manner provided in regulation 27 answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation The presiding officer shall make a note of the circumstances, and of his decision on the list of challenged votes

32 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled

33 A presiding officer, polling officer, or polling agent who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by a Returning Officer to be entitled to vote at the election for the constituency in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the electoral roll for the constituency in which that polling station is situated

34 Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in Regulation 33 to the Returning Officer who has granted the same, and such Returning Officer shall cause such vote to be included among the other votes given for the candidate designated by the voter.

35 The presiding officer of each polling station, as soon as practicable after the close of the poll shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal —

(1) each ballot box in use at each station unopened but with the key attached;

(2) the unused ballot papers,

(3) the tendered ballot papers;

(4) the spoilt ballot papers;

(5) the marked copy of the electoral roll;

(6) the counterfoils of the ballot papers;

(7) the tendered votes list; and

(8) the list of challenged votes,

and shall deliver such packets to the Returning Officer.

36 The packets shall be accompanied by a statement in Form V made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, and ballot papers dealt with under Regulation 33.

Counting of Votes.

37 The Returning Officer shall, as soon as may be practicable, after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents

38 (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

39 On the day and at the time appointed under Regulation 37 the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(a) The ballot box or boxes relating to each polling station shall be opened one after another, and the Returning Officer shall take out the papers therefrom, count them or cause them to be counted, and record the number thereof in a statement. Such statement shall not be shewn to any candidate or agent

(b) The Returning Officer shall then mix together all the ballot papers so taken out from the ballot boxes and distribute them in convenient bundles to the persons appointed to assist in counting the votes

(c) When the ballot papers have been so distributed, but not before the Returning Officer shall allow the candidates and their agents, reasonable opportunity to inspect,

without handling, the ballot papers, and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected." If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

(d) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

40 (1) A ballot paper shall be rejected if—

(a) it has not on its back the official mark,

(b) the number of votes recorded thereon exceeds the number of vacancies to be filled,

(c) no vote is recorded thereon,

(d) it is void for uncertainty,

(e) it bears any mark by which the elector can be identified:

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

41. The Returning Officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under Regulation 36 by comparing it with the number of counted votes and rejected ballot papers, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, shall record on each packet a description of its contents and the date of the election to which it refers.

42. The Returning Officer shall then prepare and certify a return setting forth—

(1) the result of the verification referred to in regulation 41,

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(3) the tendered ballot papers;

(4) the spoilt ballot papers;

(5) the marked copy of the electoral roll;

(6) the counterfoils of the ballot papers;

(7) the tendered votes list; and

(8) the list of challenged votes;

and shall deliver such packets to the Returning Officer.

36 The packets shall be accompanied by a statement in Form V made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, and ballot papers dealt with under Regulation 33.

Counting of Votes.

37 The Returning Officer shall, as soon as may be practicable, after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

38 (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

39. On the day and at the time appointed under Regulation 37 the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(a) The ballot box or boxes relating to each polling station shall be opened one after another, and the Returning Officer shall take out the papers therefrom, count them or cause them to be counted, and record the number thereof in a statement. Such statement shall not be shewn to any candidate or agent.

(b) The Returning Officer shall then mix together all the ballot papers so taken out from the ballot boxes and distribute them in convenient bundles to the persons appointed to assist in counting the votes.

(c) When the ballot papers have been so distributed, but not before the Returning Officer shall allow the candidates and their agents, reasonable opportunity to inspect,

without handling, the ballot papers, and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected" If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

(d) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

40 (1) A ballot paper shall be rejected if—

(a) it has not on its back the official mark,

(b) the number of votes recorded thereon exceeds the number of vacancies to be filled,

(c) no vote is recorded thereon,

(d) it is void for uncertainty,

(e) it bears any mark by which the elector can be identified:

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat

41. The Returning Officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under Regulation 36 by comparing it with the number of counted votes and rejected ballot papers, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, shall record on each packet a description of its contents and the date of the election to which it refers.

42. The Returning Officer shall then prepare and certify a return setting forth—

(1) the result of the *verification referred to in regulation* 41,

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected,

(5) the number of votes declared invalid, and

(6) the number of tendered votes given,

and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return

Disposal of Ballot Papers.

43 The Returning Officer shall, after reporting the result of the election under rule 14, forward the return to the Secretary to the Assam Legislative Council and all the packets relating to the election in his possession to the Inspector General of Registration

44 While in the custody of the Inspector General of Registration the packets of ballot papers whether counted, rejected or tendered, and of the counterfoils thereof, shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the local Government may impose

45. The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

Custody and Preservation of Election Papers.

46. (1) The following rules shall be observed for the custody and preservation of election papers enumerated below:—

(*i*) Preliminary electoral rolls.

(*ii*) Claims and objections with reference to the preliminary electoral rolls.

(*iii*) Final electoral rolls.

(*iv*) Nomination papers of candidates.

(*v*) Withdrawal of candidature.

(*vi*) Appointment letters of agents of candidates

(*vii*) Lists of candidates nominated.

(*viii*) Lists of ballot papers attested.

(*ix*) Election petitions and proceedings and reports of election Commissioners thereon.

(*x*) Returns of election expenses

(2) With the exception of papers in items (*iii*), (*ix*) and (*x*) of the above list, the said election papers shall be kept in the general record-room of the district to which they relate.

Papers relating to claims and objections [item (*ii*)] decided by revising authorities shall be kept until the next revision of the electoral roll of the constituency to which they pertain has been completed, and shall then be destroyed Orders by Returning Officers under Regulation 18 shall be kept until the termination of the next general election for the constituencies and shall then be destroyed The other papers shall be kept [excluding those in items (*iii*), (*ix*) and (*xi*)] for a period of one year and shall then be destroyed, unless their retention for a longer period is otherwise ordered by competent authority

(3) Three complete copies of the final electoral rolls relating to each district shall be deposited in the office of the Deputy Commissioner. Two copies of all final rolls for areas comprised within each division shall be kept in the office of the Commissioner. One complete copy of the electoral roll for each constituency shall also be kept for record in the Legislative Department of the Assam Secretariat

(4) Copies of electoral rolls so deposited shall be preserved permanently and shall, before deposit, be duly authenticated by the registering authority

(5) Printed copies of electoral rolls in excess of the number required for permanent record shall be deposited in the offices of the District Officers Spare copies of electoral rolls shall be available for sale to the public for a period of three years from the date of publication, after which they will be destroyed as soon after as the fresh publication of electoral rolls ordered to be prepared under sub-rule (4) of rule 9 has been completed

(6) The election petitions and proceedings and reports of Election Commissioners thereon, shall be kept in the Legislative Department of the Government of India and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department.

(7) The returns of election expenses lodged with returning officers shall be kept by them for three years and shall be destroyed as soon after as the next general election has been completed.

(8) The public shall have a right to inspect the election papers enumerated above and to get attested copies thereof on payment of fees prescribed for copies of records charged under the High Court Rules and Orders (Civil): Provided that returns of election expenses shall be available for inspection at the offices of the Returning Officers of the constituencies concerned on payment of a fee of Re. 1 each, and copies of such return shall be furnished on payment of a fee of Rs. 2 each.

FORM I.

(Regulation 1.)

ELECTORAL ROLL.

Constituency. . . . .
Sub-Deputy Collector's Circle. . . . .
Police Station. . . . .
Number of Chaukidari Circle . . . .

Serial No.	Name of village or town of residence.	Name	Father's name	Age.	Qualification.	Remarks.
1	2	3	4	5	6	7

FORM II.

(Regulation 29.)

FORM OF FRONT OF BALLOT PAPERS

Counterfoil.
Serial No.

Outerfoil.
Front.

Constituency————

Number of polling station————

Number of elector on electoral roll————



Names of candidates.	Column for Cross (×) mark.

NOTE.—It is considered important that the whole of the outerfoil of the Ballot paper should be taken up by the cage containing the names of candidates and spaces for recording votes.

Back of Outerfoil.

Instructions.

(1) Each elector has one vote.
(2) Place a cross mark thus × against the name of the candidate for whom you wish to vote.
(3) The mark should be placed against not more than one candidate.

Serial No. .

FORM III.

(Regulation 30.)

TENDERED VOTES LIST.

Polling station . . .

Name of Constituency.	Name of voter.	Number in Electoral Roll.	Number of votes recorded.

FORM IV

(Regulation 31)

LIST OF CHALLENGED VOTES

Signature Sheet No. . . . . . .

Number of Electoral Roll.	Name.	Signature of voter if literate or thumb impression of voter if illiterate.	Name of identifier, if any.

Order of Presiding Officer (in each case)

FORM V

(Regulation 36)

BALLOT PAPER ACCOUNT

	Ordinary ballot paper.	Tendered ballot paper
1 Number received by the Presiding Officer		
2 Number of unused ballot papers returned		
3. Number of spoilt ballot papers		
4. Number of tendered ballot papers		
5 Number of ballot papers dealt with under Regulation 33		
6. Number in ballot box		

10.—DELHI.

NOTE —

Constituencies.	*No. of Members.*
General	*1*

Legislative Assembly (Delhi) Electoral Regulations (Legislative Department Notification No. 210, dated the 13th September, 1923.)

(*A*) *Regulations under clauses (1) and (3) of sub-rule (2) of rule 9 of the Punjab Electoral Rules.*

1 These Regulations may be called the Delhi Electoral (Preparation of Rolls) Regulations.

2 The Deputy Commissioner shall prepare an Electoral Roll for the general Constituency of Delhi.

3 The roll shall be so prepared as to show the qualifications of electors to vote for a representative in the Legislative Assembly, and the roll shall show the polling station at which each elector is entitled to exercise his vote.

4 The electoral roll shall contain for (1) the villages in the constituency, (2) the Delhi Civil Station Notified Area, (3) the Imperial Delhi Municipal Committee, (4) Delhi New Cantonments and Fort, and (5) each ward of the Delhi Municipality, the name, in alphabetical order, the father's name,* caste, age and occupation of every elector and his qualification or qualifications with their value, if any.

5. Every electoral roll shall contain the date of its publication.

6. The electoral roll shall be published by being posted up at the office of the Deputy Commissioner and of the District Board, and at the Sub-tahsil at Mahrauli, and at the offices of the Delhi Municipal Committee, the Delhi Civil Station Notified Area Committee, the Imperial Delhi Municipal Committee and of the Cantonment Magistrate

7. The electoral roll shall also be published by being made available for sale under the direction of the Deputy Commissioner.

8. The electoral roll shall be prepared in Urdu for the Delhi Municipal and rural areas and in English for the Civil Lines, Imperial Delhi and Cantonment areas.

(*B*) *Regulations under clauses (4) to (7) of sub-rule (2) of rule 9 and under sub-rule (3) of rule 9 of the Punjab Electoral Rules.*

1. These Regulations may be called the Delhi Electoral (Revision of Rolls) Regulations.

2. All claims and objections relating to the inclusion of names in, or their exclusion from, the electoral roll shall be presented within 21 days of the date of the publication of the electoral roll.

* Except in the case of Christians.

3 The following regulations shall apply to claims and objections in connection with the electoral roll of the constituency:—

(1) A claim or objection relating to the rural electoral roll shall be presented to the Tahsildar or to the Naib-Tahsildar or, in their absence, to the Office Qanungo at the Delhi Tahsil, and a claim or objection relating to that part of the electoral roll which relates to the two Municipal, Civil Station or Cantonment areas, shall be presented at the office of the local authority concerned to the Secretary of such authority or to such other person or persons as may be appointed by the local authority to receive claims and objections

(2) A claim shall not relate to more than one elector It shall be in writing in Form I or II, as the case may require, appended to these regulations, and it shall be verified by the claimant and shall be presented by him or by a duly authorized agent The authority to present a claim on behalf of a claimant shall be in writing signed by the claimant and verified in the case of the rural area by the seal or signature of an Honorary Magistrate, Sub-Registrar, Zaildar or Lambardar, or, in the case of the part of the electoral roll relating to the urban and cantonment areas of a member of the local authority

(3) An objection may be presented by any registered elector of the constituency An objection shall not relate to more than one elector It shall be in writing in the form appended to these regulations, shall be verified by the objector and shall be presented by him personally or by a duly authorised agent together with a copy All documents relied upon in an objection shall be filed in duplicate.

(4) The revising authority shall be a person appointed by the Deputy Commissioner to act as such with such territorial jurisdiction as he may fix provided that preference shall be given if possible to the appointment of judicial gazetted officers and members of the legal profession.

(5) On a claim or objection being presented the person receiving the same shall make the entries concerning it in the appropriate register in Form III or IV, as the case may require, appended to these regulations and shall note on the claim or objection the register in which it has been entered and its serial number in that register

(6) On receiving an objection the officer, to whom it is presented, shall cause one copy of the same to be served on the person to whom objection is taken Such copy shall be served in the manner provided in the Civil Procedure Code for service of summons, except that the serving officer shall not be required to verify the fact of service by affidavit.

(7) On the expiration of the period prescribed for the presentation of claims and objections all such claims and objections, together with the prescribed registers, shall be sent by the officer who received them to the revising authority who shall post in his office a list of such claims and objections

(8) When posting such lists, the revising authority shall note on them the place and date of hearing such claims and objections, the date being not less than 7 days nor more than 20 days after the date of such posting. Notice of the place and date shall also be published by means of a general proclamation in the locality from which, or in respect of which, any claim or objection has been presented, and such notice shall state that the date so fixed is for the final decision of the claims and objections.

(9) A party to a claim or objection may appear personally or by an agent duly authorised in writing

(10) At the place and time fixed for the hearing of claims and objections, the revising authority shall call up the cases in the order in which they are entered in the list, and shall dismiss any case in which the claimant or objector is not present or represented

(11) With regard to any claim or objection which has not been dismissed under the last preceding regulation, the revising authority shall proceed to hear the parties concerned or their authorised agents and such evidence as may be produced and may to him appear necessary, and he shall then decide the claim or objection

(12) If a claimant duly appears, the revising authority shall give an opportunity to any objector present personally or by a duly authorised agent to contest the claim.

(13) The revising authority shall not adjourn proceedings once begun except for reasons to be recorded in writing.

4 Every revising authority shall, on the disposal of the claims and objections relating to an area for which an electoral roll was prepared, forward a list of claims and objections and of his orders accepting or rejecting them to the Deputy Commissioner.

5. The Deputy Commissioner shall cause the electoral roll to be amended in accordance with the orders of the revising authorities. He shall then either reprint and republish the amended roll, or if he deems fit, republish as the final roll the preliminary roll together with a list of additions and corrections

6. The Deputy Commissioner shall certify one copy of the roll as republished and shall cause it to be deposited in the office of the Chief Commissioner of Delhi where it shall be retained for 12 years.

FORM No I

LEGISLATIVE ASSEMBLY (DELHI CONSTITUENCY) ELECTORAL ROLL

Claim for Registration

(Name and designation of claimant) . ...
the claimant

(a) has the following electoral qualifications, *viz* . . ..
.... in support of which the claimant submits with this claim the following certified copies of documents, *viz* .. ..
....

(b) has an electoral qualification in the

(a) village of. . . . .

(b) . . . . . . ward of the Delhi Municipality,

. . . .

(c) Civil Station Notified Area,

. . . .

(d) Imperial Delhi Municipality,

. . . .

(e) Delhi New Cantonments and Fort,

in which he claims registration as evidenced by the documents submitted above Nos. . .

(c) has a residential qualification in the

(a) village of. . . . . .

. . . . .

(b) . ward of the Delhi Municipality,

. . . .

(c) Civil Station Notified Area,

. . .

(d) Imperial Delhi Municipality,

. . . .

(e) Delhi New Cantonments and Fort,

in which he claims registration, *viz* . ...
I verify this claim of my own knowledge and information to be true.
Signed at .... on 1923

Signature or thumb mark of the claimant.

(To be added by the authority to whom the claim is presented.)
This claim has been entered in the

(a) village of. . . . .

. . . .

(b) . . . . ward of the Delhi Municipality,

. . . .

(c) Civil Station Notified Area,

. . . .

(d) Imperial Delhi Municipality,

. . . .

(e) Delhi New Cantonments and Fort,

Register of claim for registration as Serial No . . . .
Place .. .. date. . . . .

Signature of Authority.

FORM No 11

LEGISLATIVE ASSEMBLY (DELHI CONSTITUENCY) ELECTORAL ROLL

Objection to Registration

Objection to the registration in the

(a) village of . . . . . .

. . . .

(b) . . . . ward of the Delhi Municipality,

. . . .

(c) Civil Station Notified Area,

. . . .

(d) Imperial Delhi Municipality,

. . . .

(e) Delhi New Cantonments and Fort,

of. . . . . with the Legislative Assembly (Delhi Constituency) Electoral Roll.

This objection is made by—

Name ....

Father's name..... .... who is registered.

Caste............. .. ..

Residence....... ....

as an elector in the roll of the

(a) village of . . . .

. . . .

(b) . ward of the Delhi Municipality,

. . . .

(c) Civil Station Notified Area,

. . . .

(d) Imperial Delhi Municipality,

. . . .

(e) Delhi New Cantonments and Fort,

on the following grounds, viz . . . .

I verify this objection of my own knowledge and information to be true.

Signed at . ... on . . ..1923.

Signature or thumb mark of objector.

(To be added by the authority to whom the objection is presented.)

This objection has been entered in the

(a) village of .. . .

. ...

(b) . . . . ward of the Delhi Municipality.

....

(c) Civil Station Notified Area. Register of

.. ..

(d) Imperial Delhi Municipality

. . . .

(e) Delhi New Cantonments and Fort

objection as Serial No . . . .

Place .... Date . ...

Signature of the Authority.

FORM No. III.

LEGISLATIVE ASSEMBLY (DELHI CONSTITUENCY) ELECTORAL ROLL.

Register of Claims for Registration.

Village of. . . . .
. . . . ward of Delhi Municipality.
Civil Station Notified Area.
Imperial Delhi Municipality.
Delhi New Cantonments and Fort

1	2	3	4	5	6	7	8	9	10	11
Serial No.	Thana and village urban area, or ward in which registration is claimed.	Name and description of claimant.	Date of presentation of claim to authority to whom it is presented with initial of such authority.	Revising authority to whom made over for disposal.	Date of making over papers to the revising authority.	Date of decision with notes as to presence of parties.	Admitted.	Rejected.	Signature of revising authority.	Signature of official by whom effect was given to the decision of the revising authority and date.

FORM No. IV.

LEGISLATIVE ASSEMBLY (DELHI CONSTITUENCY) ELECTORAL ROLL.

Register of Objection to Registration.

Village of . . . .
. . . ward of Delhi Municipality
Civil Station Notified Area
Imperial Delhi Municipality.
Delhi New Cantonments and Fort

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Person objected to, registered.										Decision.			
Serial No.	In thana and village urban area or ward.	Undername.	With Legislative Assembly Electoral number	Name and description and Legislative Assembly Electoral number of objector.	Date of presentation of objection to authority to whom it is presented with initials of such authority.	Name of processerver by whom duplicate sent to be served on person objected to and date	Abstract of process-server's report and date	Revising authority to whom made over for disposal.	Date of making over papers to revising authority.	Date of decision with note as to presence of parties.	Admitted.	Rejected	Signature of revising authority	Signature of official by whom effect was given to the decision of the revising authority and date.

Regulations for Nomination and Election.

Regulations under rule 15 of the Legislative Assembly Electoral Rules for the nomination and election of members of the Delhi Constituency for the Legislative Assembly.

The Appointment of Returning Officers.

1 These regulations may be called the Delhi Electoral (Conduct of Elections) Regulations

2 The Deputy Commissioner may delegate to a gazetted officer the performance of any duties imposed on him by these regulations.

3 The Returning Officer for the constituency shall be an officer appointed by notification in the official Gazette and any officer deputed for the time being by such Returning Officer to perform his duties under his direct supervision.

Scrutiny of Nominations.

4 On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11, the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

5. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:—

(*i*) that the candidate is ineligible for election under rule 5 or rule 6;

(*ii*) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11;

(*iii*) that there has been any failure to comply with any of the provisions of rule 11 or rule 12;

(*iv*) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be;

(*v*) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this regulation—

(*a*) the production of any certified copy of an entry made in the electoral roll of the constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper,

as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder more than one nomination paper, the paper so subscribed, which was first received, shall be deemed to be valid

(3) Nothing contained in clause (ii) clause (iii), clause (iv) or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper, in respect of which no irregularity has been committed

6 (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same, and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed

7 On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

8. If more than one candidate is duly nominated, the Returning Officer shall forthwith publish in the Gazette and at the headquarters of the Delhi district the names of the candidates as given in the nomination papers in alphabetical order And he shall also take such action as the local Government may direct for the printing of ballot papers

Voting

9. Votes shall be recorded on the date or dates appointed for the poll under clause (c) of sub-rule (2) of rule 11 from 9 A M to 1 P M and from 1-30 P M to 4 P M The dates so fixed and the hours shall be published in the manner prescribed for the publication of the electoral roll in each part of the constituency

10. (1) There shall be seven polling stations, namely —

(1) Jama Masjid
(2) Town Hall
(3) Sadar Bazar
(4) Ajmeri Gate
(5) Mori Gate
(6) The Imperial Delhi Municipal Office
(7) The Cantonment Magistrate's Office, New Cantonments

Voters from the villages in the rural area, and from the Civil Station Notified Area will record their votes at polling station No 5 (Mori

Gate). Voters from the Imperial Municipal and Cantonment areas will record their votes at their respective polling stations (Nos. 6 and 7) Voters from the wards of the Delhi Municipality will be evenly distributed over the remaining polling stations.

(2) The Deputy Commissioner shall appoint a presiding officer for each polling station and such other officers (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary

11 (1) The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers, the candidates, and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate;

(b) the police or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(2) The presiding officer shall close the polling station at the hour appointed under Regulation 9 so as to prevent the admission thereto of any voter after that hour

12 No ballot paper shall be issued after the closing hour appointed under Regulation 9, but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

13 In each polling station arrangements shall be made to enable the voters to record their votes screened from all observation.

14 (1) The Deputy Commissioner shall provide at each polling station materials sufficient for the purpose of enabling voters to mark the ballot papers, instruments for stamping the official mark on such papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station.

(2) The official mark shall be kept secret.

15 Every ballot box shall be marked with the name of the polling station for which it is to be used. It shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty, and shall then lock it up and place upon it the seal provided for the purpose in such manner as to prevent its being opened, without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

16 Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 14* of the Indian Elections Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district

17 Immediately before a ballot paper is delivered to an elector, it shall be stamped with the official mark, and the number, name and description of the elector as stated in the electoral roll shall be called out. and the number of the elector shall be entered on the counterfoil and his signature or, if he is unable to affix his signature, a rolled impression of his left thumb, shall be obtained on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received On the counterfoil shall also be entered the name and distinctive number of the polling station

18 The elector, on receiving the ballot paper, shall forthwith proceed to mark his paper with a cross mark against the name of the candidate in whose favour he wishes to record his vote, and fold it up so as to conceal his vote, and, after showing to the presiding officer the official mark, shall put his ballot paper, so folded up, into the ballot box Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box

19 The presiding officer shall give such assistance as may be required to any elector who is, by reason of infirmity, illiteracy, or ignorance of Urdu, unable to vote in the manner prescribed

20 At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions —

(1) Are you the person enrolled as follows (reading the whole entry from the roll)? and

(2) Have you already voted at the present election in this constituency? and

(3) Have you already voted at this general election for the Legislative Assembly in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative

*14. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

Maintenance of secrecy of voting

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both.

21. The ballot papers shall be in Form I annexed to these regulations. The ballot papers shall be serially numbered, the serial number being printed on the *face* of the counterfoil and on the back of the ballot paper

22 If a person representing himself to be a particular elector, named on the electoral roll, applies for a ballot paper after another *person has voted as such elector, the applicant shall, after duly* answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall be of a colour different from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer The name of the voter and his number in the electoral roll and the name and distinctive number of the polling station to which the roll relates shall be entered in a list in Form II annexed to these regulations, which shall bear the heading "Tendered votes list" The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in the list.

23 If any polling agent declares and undertakes to prove that any person, by applying for a ballot paper, has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form III annexed to these regulations) his name and address, or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned in the manner provided in Regulation 20 answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances, and of his decision on the list of challenged votes

24. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of *the inadvertence, obtain another* ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled

25 A presiding officer, polling officer, or polling agent who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer of the constituency in which he is registered as a voter to be entitled to vote at the election for the constituency in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station The name of polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the *ballot paper together with his number in the electoral roll for the* constituency in which that polling station is situated. If the constituency is different from one in which the elector is entitled to vote, the ballot paper shall be appropriately corrected.

26 Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in Regulation 25 to the Returning Officer who has granted the same, and such Returning Officer shall cause such vote to be included among the other votes given for the candidate designated by the voter

27 The presiding officer of each polling station, as soon as practicable after the close of the poll shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with the seal provided and the seal of such candidates or agents as may desire to affix their seal

(1) Each ballot box in use at each station unopened but with the key attached and with the slit in the lid covered with cloth sealed with a seal provided, and
(2) the unissued ballot papers,
(3) the tendered ballot papers,
(4) the spoilt ballot papers,
(5) the marked copy of the electoral roll;
(6) the counterfoils of the ballot papers;
(7) the counterfoils of the tendered ballot papers;
(8) the tendered votes list, and
(9) the list of challenged votes.

28 Outside every parcel made under the last preceding regulation, the presiding officer shall note under his signature the name of the polling station and the nature of the contents of the parcel, and he shall then make all the parcels into one package, and he shall then seal the package with the seal provided and mark on it the name and number of the polling station and he shall then make over the package with the least possible delay to a police officer deputed to take charge of it at the polling station.

29. The police officer shall be responsible for the safeguarding of the package made over to him and shall forward it with the least possible delay to the Deputy Commissioner.

30 The presiding officer for each polling station shall forward separately to the Deputy Commissioner in Form IV, appended to these regulations, an account of ballot papers.

31 The Deputy Commissioner shall open all packages forwarded to him from polling stations, and shall retain unopened and shall keep in safe custody all parcels contained therein, except the ballot boxes and the parcels of unissued ballot papers which shall be dealt with in the manner hereinafter prescribed

32 On a date appointed by him, after the receipt of the packages from all polling stations and in the presence of any candidate who desires to watch the proceedings or in his absence, of a representative, duly authorised by him in writing, the Deputy Commissioner shall separately open each ballot box and shall remove the ballot papers from the box, but not so as to unfold them or see or permit any person to see how any ballot paper has been marked. He shall, after counting them, make up the ballot papers into a parcel and then reseal it with the seal provided and mark the parcel outside with the name and number of the polling station and he shall then open

the parcel of unissued ballot papers relating to the polling station concerned and shall count and reseal them, with the seal provided, in a parcel marked outside as above prescribed, and he shall then for the polling station check, with the presiding officer's ballot paper account, the number of ballot papers found in the ballot box and the number of unissued ballot papers received by him.

33 The Deputy Commissioner shall restore the parcels of unissued ballot papers resealed by him to their respective packages and he shall then reseal the packages and keep them in safe custody.

34 As soon as possible after he has resealed the ballot papers in parcels and checked their numbers, the Deputy Commissioner shall forward the issued ballot papers to the Returning Officer, and he shall forward with them an extract from the ballot paper account of each presiding officer and an account of his own counting of the issued and unissued papers

Counting of Votes.

35 The *Returning Officer shall, as soon as may be practicable* after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents

36 (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6), of rule 14.

(2) No person shall be appointed to assist in counting the votes who is a candidate or who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

37 On the day and at the time appointed under Regulation 35 the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(a) The Returning Officer shall open separately each parcel of ballot papers received by him from the Deputy Commissioner, count them or cause them to be counted in his presence, and shall verify the ballot paper account for each polling station with the number of ballot papers forwarded to him as found in the ballot box of that polling station;

(b) The Returning Officer shall then mix together all the ballot papers so taken out from the parcels and distribute them in convenient bundles to the persons appointed to assist in counting the votes;

(c) When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, the ballot papers and shall, on every ballot paper which is wholly or partially rejected, endorse the word "rejected." If any candidate or agent present questions the correctness of the rejection, he shall

also record on the ballot paper the grounds for the rejection No candidate or agent shall be allowed to see the serial number on the back of any ballot paper,

(d) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes; and shall, during any necessary intervals during which the counting has to be suspended, secure the ballot papers, parcels and other documents relating to the election under the seal provided and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

38 (1) A ballot paper shall be rejected if—

(a) it has not on it the official mark,
(b) it is marked with a cross, opposite the name of more than one candidate,
(c) no vote is recorded thereon,
(d) it is void for uncertainty,
(e) it bears any mark by which the elector can be identified.

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

39. The Returning Officer shall then make into convenient bundles the ballot papers; close and seal them with the seal provided and shall record on each bundle a description of its contents and the date of the election to which it refers.

40. The Returning Officer shall then prepare and certify a return setting forth—

(1) the result of the verification referred to in Regulation 37(a),
(2) the names of the candidates for whom valid votes have been given,
(3) the number of valid votes given for each candidate,
(4) the name of the candidate elected, and
(5) the number of votes declared invalid,

and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return.

41. The Returning Officer shall, after reporting the result of the election under sub-rule (9) of rule 14, forward the return mentioned in the last preceding regulation to the Secretary to the Government of India in the Legislative Department, and shall forward for safe custody to the Deputy Commissioner all the papers dealt with by him.

42. While in the custody of the Deputy Commissioner the parcels of ballot papers whether counted, rejected or tendered and of the counterfoils thereof and the marked copy of the electoral roll, shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee, if any, as the local Government may impose

Form III.

List of Challenged Votes.

Polling Station . . .

Signature Sheet No

Name of constituency.	Number on electoral roll	Name.	Signature of voter, if literate, or thumb impression of voter, if illiterate.	Name of identifier, if any.	Order of Presiding Officer (in each case)

Form IV.

Constituency. . . . .

Polling Station . . . .

Ballot Papers.

Received.			Issued.			Unissued.		
Serial Nos.		Total.	*Serial Nos.*		Total.	*Serial Nos.*		Total.
From	To		From	To		From	To	

Note ——————ballot papers were issued to persons allowed to vote under Regulation 25.

43. The parcels aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government or by a competent court or by Commissioners appointed to hold an inquiry in respect of an election.

FORM I.

Form of Front of Ballot Paper

Counterfoil

Serial No

Constituency————————

District————————

Name and No of
polling station————————

No of elector on
electoral roll————————

Elector's signature or thumb
impression.



Counterfoil.
Front.

Roy	
Chaudhri	
Chatterji	
Bannerji	
Ghosh	

NOTE —It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names of candidates and spaces for recording votes.

Serial No........

FORM II.

Tendered Votes List.

Polling Station. . . . . .

Name of constituency.	Name of voter	No. in electoral roll	Signature of voter, if literate, or thumb impression, if illiterate, with his address.

Form III.

List of Challenged Votes.

Polling Station

Signature Sheet No

Name of constituency	Number on electoral roll	Name.	Signature of voter, if literate, or thumb impression of voter, if illiterate.	Name of identifier, if any.	Order of Presiding Officer (in each case).

Form IV.

Constituency. . . . .

Polling Station . . . .

Ballot Papers.

Received.			Issued.			Unissued.		
Serial Nos.		Total.	*Serial Nos*		Total.	*Serial Nos.*		Total.
From	To		From	To		From	To	

Note.————ballot papers were issued to persons allowed to vote under Regulation 25

Ballot Papers.

Total issued.	Total returned spoiled.	Balance total in ballot box.

Tendered Ballot Papers.

RECEIVED.			ISSUED			UNISSUED.		
Serial Nos.		Total.	*Serial Nos.*		Total.	*Serial Nos.*		Total.
From	To		From	To		From	To	

Tendered Ballot Papers.

Total issued.	Total returned spoiled.	Balance total in packet.

Date..........................

Signature..........................

Presiding Officer.

11.—AJMER-MERWARA.

NOTE.—

Constituencies.	*No of Members.*
General	1

Legislative Assembly (Ajmer-Merwara) Electoral Regulations (Legislative Department Notification No. 240, dated the 27th October 1923, as amended by Notification No. 253, dated the 29th November 1923).

Regulations for the election of a Member to the Legislative Assembly from the Ajmer-Merwara constituency.

Under rule 9 (2) of the Legislative Assembly Electoral Rules.

ELECTORAL ROLL.

1 (1) On or before such date as may be appointed by the local Government in this behalf an electoral roll shall be prepared for the Ajmer-Merwara constituency by such officer as the local Government may appoint for the purpose

(2) The electoral roll shall contain the name and father's name of every person entitled to be registered as an elector along with such other particulars as may be necessary to identify him.

2 (1) On and from the date so appointed the electoral roll shall be published by being open to inspection during office hours at the office of the Commissioner.

(2) Extracts of the electoral roll relating to Merwara and Kekri sub-divisions shall also be published by being open to inspection during office hours at the offices of the Extra Assistant Commissioner, Merwara, and the Deputy Magistrate, Kekri.

(3) Extracts of the electoral roll in Urdu and Hindi shall also be posted at a conspicuous place in each Tehsil and Municipal office and at such other place or places as the Commissioner may, for the purpose of wide publication, direct and shall be open to inspection there during office hours.

(4) Along with the electoral roll and in similar manner shall be published a notice stating the time and place fixed for the receipt of claims and objections by the revising authority.

REVISION OF ELECTORAL ROLL.

3 (1) The local Government shall appoint a Revising Authority for the constituency.

(2) Every claim and objection must be preferred in writing on or before a date to be fixed in this behalf by the local Government and must state the qualifications and grounds on which the claim is based or the grounds on which the objection is made, as the case may be

(3) Every person making a claim or objection must do so on a separate petition, which shall be presented in duplicate to the revising authority either by such person himself or by his duly authorised agent at such place and time as may be fixed by the revising authority in this behalf.

(4) The person presenting such petition shall, at the time of presentation, be informed of the date, time and place fixed for the hearing of this petition.

(5) Lists of the claimants and of the persons objected to shall be prepared in forms I, I-A, and II respectively attached to these regulations in Urdu and Hindi and shall be published at the office of the revising authority for at least two days before the date fixed for the hearing of such claims and objections

(6) The revising authority shall, as soon as possible after receiving any petition of objection, send a copy of the petition by post or otherwise to the person in respect of whose registration as an elector the objection is made and shall, at the same time and in the same manner, inform him of the date, time and place fixed for hearing the objection

4 At such place and from such time as the revising authority may appoint in this behalf the revising authority shall hear and determine all claims and objections which have been duly made, and after such enquiry and after hearing such persons as to him may appear necessary, he may order any addition to or alteration in the electoral roll

5. The electoral roll, as so amended, shall be republished in the manner prescribed in Regulation 2.

Under rule 15 (1) of the Legislative Assembly Electoral Rules.

APPOINTMENT OF A RETURNING OFFICER.

6 The returning officer for the constituency shall be the Commissioner, Ajmer-Merwara.

7 (1) The Assistant Commissioner, Ajmer-Merwara, and the Senior Extra Assistant Commissioner at Ajmer may, subject to the control of the returning officer, perform all or any of the functions of that officer

Provided that neither such person shall perform any of the functions of the returning officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the returning officer is unavoidably prevented from performing the same in which case the said functions may be performed by the Assistant Commissioner, Ajmer-Merwara.

(2) References to the returning officer in these regulations shall, unless a contrary intention appears, be deemed to include the person performing any duty or function which he is authorised to perform under sub-regulation (1)

Scrutiny of Nominations.

8 On the date and at the time appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 each candidate, the election agent of each candidate, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

9 (1) The returning officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objections or on his own motion, after such summary enquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:—

(i) that the candidate is ineligible for election under rule 5 or rule 6;

(ii) that the name of a proposer or seconder is not entered on the electoral roll of the constituency or, subject to the provisions of sub-regulations (2) (b) and (3) that a person whose name is entered in such roll has subscribed more nomination papers than one;

(iii) that there has been any failure to comply with any of the provisions of rule 11 (3), (5), or (6) or rule 12 (1);

(iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be;

(v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purpose of this regulation,—

(a) the production of any certified copy of an entry made in the electoral roll of the district shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper as the case may be unless it is proved that the candidate is disqualified under rule 5 or rule 6; and

(b) where a person has subscribed whether as proposer or seconder more than one nomination paper, that paper so subscribed, which has been first received, shall be deemed to be valid.

(3) Nothing contained in clause (*ii*), clause (*iii*), clause (*iv*) or clause (*v*) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

10 (1) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of the reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (*b*) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed unless objection is taken to a nomination In case an objection is made the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer must record his decision on the date to which the proceedings have been adjourned

11 (1) On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the returning officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

(2) If two or more candidates are duly nominated the returning officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe and in such other places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order He shall also cause their names to be entered in ballot papers in Form III attached to these regulations and shall supply each presiding officer with a sufficient number of ballot papers.

VOTING.

12 The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (*c*) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the Gazette and in such other manner as the local Government may direct.

13 (1) The Commissioner shall select as many polling stations as he thinks necessary and shall publish in such manner as the local Government may prescribe a list shewing the polling stations so selected and the polling areas for which they have respectively been selected

(2) The Commissioner shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary.

14 (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the polling officers, the candidates, one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate and authorised in this behalf by the returning officer (provided that if one or more polling officers are appointed, the same number of additional polling agents so appointed and authorised may be admitted),

(b) the police or other persons on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the local Government under Regulation 12, so as to prevent the admission thereto of any voter after that hour

15. Subject to the provisions of Regulations 28 and 29 no person shall be admitted to vote at any polling station except the one allotted to the polling area in which he has been registered as an elector

16 No ballot paper shall be issued after the closing hour appointed under Regulation 12 but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote

17 Each polling station shall be furnished with such number of compartments, in which voters can record their votes screened from observation, as the Commissioner thinks necessary.

18 The Commissioner shall provide at each polling station such number of clerks as he may consider necessary, materials sufficient for the purpose of enabling voters to mark the ballot papers, as many ballot boxes as may be necessary, copies of the electoral rolls or of such part thereof as contains the names of the electors entitled to vote at such station, a list of the nominations and such other papers and forms as may be necessary.

19 Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place a seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view or the view of a polling officer for the receipt of ballot papers and keep it so locked and sealed.

20. Before the polling station is open for the recording of votes, the presiding officer shall read to the polling agents and such other persons as may be present, the provisions of section 14 of the Elections Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district.

21 The name of every person presenting himself to vote and his number on the electoral roll shall be entered on a slip in form IV attached to these regulations, and such person shall thereafter, if he is literate, sign his name in the column provided for that purpose, or if he is illiterate, fix his thumb impression thereto Every signature or thumb impression so made shall be attested by any candidate or his representative as aforesaid who may be able to recognise the voter or by any other person who may be admitted by the presiding officer for the purpose of identifying voters. Such slips shall be consecutively numbered.

22. The elector shall then present the aforementioned slip to the presiding officer or polling officer, who, after satisfying himself that the slip has been duly signed or impressed and attested, shall give to the elector the outer foil of a ballot paper bearing on each side an official mark and shall at the same time note on the corresponding counterfoil the number of the elector in the electoral roll and make a mark against the entry of the elector's name in the electoral roll to denote that the elector has received a ballot paper. This mark shall not indicate the number of the ballot paper which the elector has received.

23. At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions.—

(1) Are you the person enrolled as follows (reading whole entry from the roll)? and,

(2) Have you already voted at the present election in this constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer either of the questions and unless he answers the first question in the affirmative and the second question in the negative.

24. If the elector is literate, he shall, on receiving the ballot paper, forthwith proceed to a place screened from observation which shall be set apart for the purpose and shall there mark a cross against the name of the candidate whom he prefers. He shall then fold the ballot paper so as to conceal his vote and shall put the ballot paper so folded into the ballot box.

25. If the elector is illiterate or by reason of infirmity is unable to vote in the manner prescribed, the presiding officer or polling officer shall at his request in the view of any polling agents who are present make a cross on the ballot paper according to the direction of the elector, and shall cause the ballot paper so marked to be placed in the ballot box.

26 If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter Such ballot paper (hereinafter referred to as a "tendered ballot paper") shall be of a colour different from the other ballot papers, and, instead of being put in the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the returning officer The name of the voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in form V annexed to those regulations, which shall bear the heading "Tendered votes list" The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list

27 An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled

28 A presiding officer, polling officer, polling agent or clerk employed by the presiding officer who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the returning officer to be entitled to vote at the election for the constituency, be allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the electoral roll for the polling area in which that polling station is situated.

29 Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in Regulation 28 to the returning officer who has granted the same, and such returning officer shall cause such vote to be included among the other votes for the candidate designated by the elector.

30. The presiding officer of each polling station as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal:—

(1) each ballot box in use at each station unopened but with the key attached;

(2) the unused ballot papers;

(3) the tendered ballot papers;

(4) the spoilt ballot papers,

(5) the marked copy or copies of the electoral roll,

(6) the counterfoils of the ballot papers;

(7) the tendered votes list; and

(8) the electors' identification slips,

and shall deliver such packets to the returning officer

31 The packets shall be accompanied by a statement in form VI *made by the presiding officer, showing the number of ballot papers* entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, and ballot papers dealt with under Regulation 28.

COUNTING OF VOTES.

32 The returning officer shall appoint a date, as soon as may be practicable after the close of the poll, and a time and place for the counting of the votes and shall give notice in writing thereof to all candidates and election agents

33 (1) No person shall be allowed to be present at the counting of the votes except the returning officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

34 On the day and at the time appointed under Regulation 32 the returning officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(*a*) The ballot box or boxes relating to each polling station shall be opened one after another, and the returning officer shall take out the papers therefrom, count them or cause them to be counted, and record the number in each box separately in a statement. Such statement shall not be shown to any candidate or agent.

(*b*) The returning officer shall then mix together all the ballot papers so taken out from the ballot boxes and distribute them in convenient bundles to the persons appointed to assist in counting the votes.

(c) When the ballot papers have been so distributed, but not *before* the returning officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling the ballot papers, and shall on every ballot paper which is rejected endorse the word "rejected" If any candidate or agent present questions the correctness of the rejection he shall also record on the ballot paper the grounds for the rejection No candidate or agent shall be allowed to see the serial number on any ballot paper.

(d) The returning officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets, and other documents relating to the election under his own seal and the seal of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their custody.

35 (1) A ballot paper shall be rejected if—

(a) it has not the official mark,

(b) more than one vote is recorded thereon,

(c) no vote is recorded thereon,

(d) it is void for uncertainty,

(e) it bears any mark by which the elector can be identified

(2) The decision of the returning officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

36 The returning officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoil of the ballot papers He shall verify the statement submitted by the presiding officer under Regulation 31 by comparing it with the number of counted votes and rejected ballot papers, the unused or spoilt ballot papers in his possession and the tendered votes list shall then reclose and reseal each packet which has been opened by him, shall record on each packet a description of its contents and the date of the election to which it refers.

37. The returning officer shall then prepare and certify a return setting forth—

(1) the result of the verification referred to in Regulation 36,

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected,

(5) the number of votes declared invalid,

(6) the number of tendered votes given,

and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return.

38. The returning officer shall after reporting the result of the election under rule 14 retain in safe custody the return and all the packets relating to the election in his possession.

FORM I

[SEE REGULATION 3 (5).]

List of persons claiming to have their names entered in the electoral roll for the Ajmer-Merwara constituency

Serial number.	Name of claimant.	Father's name.	Address and name of polling station.	Alleged qualification.	REMARKS.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19

Revising Authority.

FORM I-A

[SEE REGULATION 3 (5)]

List of persons alleging that their names are entered in an incorrect place or manner or with incorrect particulars and claiming to be registered correctly in the electoral roll for the Ajmer-Merwara constituency

Serial number.	Name of claimant.	Father's name.	Address and name of polling station.	Abstract of claim.	REMARKS.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority.

FORM II.

[SEE REGULATION 3 (5)]

List of persons to the inclusion of whose names in the electoral roll for the Ajmer-Merwara constituency objection has been taken.

Serial number.	Number in the electoral roll.	Name.	Father's name	Qualification as stated in the electoral roll.	Serial number of objector in the electoral roll.	Name of objector	Name of polling station.	Grounds of objection.	REMARKS.

Notice is hereby given that all claims and objections shall be heard and determined from o'clock on the day of 19 .

Revising Authority.

FORM III.

[SEE REGULATION 11.]

Book No......... ....

Serial No...... ....

Election of a member for the constituency of Ajmer-Merwara held on . .. . .19 .

No. of elector in the electoral roll
... .

FORM III.

[SEE REGULATION 11.]

Book No..... ....

Serial No ....

Election of a member for the constituency of Ajmer-Merwara

....

Name of candidate for election.	Cross (+ or ×) of voter.
A	
B	
C	
D	

FORM IV.

[SEE REGULATION 21.]

Serial No.

Signature Slip.

Number on electoral roll	Name.	Signature of voter if literate or thumb impression of voter if illiterate.	Signature of witness

FORM V

[SEE REGULATION 26.]

Tendered Votes List.

Number on electoral roll	Name.	Signature.	Signature of identifying witness.

FORM VI

[SEE REGULATION 31.]

Number of ballot papers received	Number of persons who have voted.	Number of spoilt ballot papers.	Number of ballot papers dealt with under Regulation 28	Number of ballot papers returned unused
1	2	3	4	5

Number of tendered ballot papers received.	Number of tendered votes.	Number of tendered ballot papers returned unused.
1	2	3

Signature of Presiding Officer.

NOTE.—Any difference between the total of columns 2, 3, 4 and 5 and the figure in column 1 in the upper part of this statement or between the total of columns 2 and 3 and the figure in column 1 in the lower part must be explained.

RETURN OF ELECTION EXPENSES.

The return of the election expenses of each person who has been nominated as a candidate for an election to the Legislative Assembly shall be lodged with the Returning Officer in the following form.—

FORM OF RETURN OF ELECTION EXPENSES.

1 *Receipts* —Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of or in connection with or incidental to the election The name of each such person, etc, and the amount received shall be shown separately:—

Date of receipt.	Name and description of payer.	Amount or value.
	Total	

2 *Expenses* —Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of the candidate in respect of any expenses incurred on account of or in connection with or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware:—

N.B.—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained; the vouchers shall be numbered and arranged in serial order and the number of the voucher entered in the return against the item of expenditure.

(2) Each payment made shall be entered

PART A.—*In this Part shall be shown the personal expenditure of the candidate, incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature*

Name and description of payee.	On what account	Date of payment	Voucher No	Amount paid.	Amount unpaid.
			Total		

PART B.—*In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.*

Name and description of payee	On what account.	Rate of payment.	Date of payment	Voucher No.	Amount paid.	Amount remaining unpaid.
				Total		

PART C.—*In this Part shall be shown all other expenditure (including travelling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.*

Name and description of payee.	On what account.	Date of payment.	Voucher No.	Amount paid.	Amount remaining unpaid.
			Total		

PART D.—*In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.*

Name and description of payee.	On what account.	Date of payment.	Voucher No.	Amount paid.	Amount remaining unpaid.
			Total		

PART E.—*In this Part the cost of printing shall be shown.*

Name and description of payee	On what account.	Date of payment, if any.	Voucher No.	Amount paid	Amount unpaid.
			Total		

PART F.—*In this Part the cost of advertising shall be shown.*

Name and description of payee	On what account	Date of payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
			Total		

PART G.—*In this Part the cost of stationery shall be shown.*

Name and description of payee	On what account	Date of payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
				Total .	

PART H.—*In this Part the cost of postage and telegrams may be shown in lump sums.*

Expenditure incurred.	Date of payment, if separate payments are shown.	Amount paid.

PART I.—*In this Part the cost of rooms hired for public meetings or as Committee rooms or as an Office shall be shown.*

Name and description of payee	Locality and description of rooms.	Date of payment	Voucher No	Amount paid	Amount unpaid
			Total		

PART J.—*In this Part shall be included every disputed claim remaining unpaid.*

Name and description of claimant.	Nature and alleged ground of claim.	Amount of claim.
	Total	

Part K.—*In this Part all expenditure incurred and payments made by the candidate or by his election agent or by any person on behalf of or in the interests of the candidate in connection with the election and not included in any of the foregoing parts shall be shown.*

Name and description of payee.	On what account.	Date of payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
		Total .			

Part L.—*In this Part the total expenditure incurred under each of the previous parts shall be shown.*

Part.	Paid.	Unpaid.	Total.
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			
K			
Total .			

PART III.

REGULATIONS FOR THE HOLDING OF ELECTIONS BY MEANS OF THE SINGLE TRANSFERABLE VOTE.

1 In these Regulations—

(1) "Assembly " "member" and "Secretary" have the meanings respectively assigned to them in the Standing Orders;

(2) "continuing candidates" means candidates not elected or not excluded from the poll at any given time,

(3) "exhausted papers" means ballot papers on which no further preference is recorded for a continuing candidate provided that a paper shall also be deemed to be exhausted in any case in which—

(a) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference, or

(b) the name of the candidate next in order of preference, whether continuing or not, is marked—

(i) by a figure not following consecutively after some other figure on the ballot paper, or

(ii) by two or more figures,*

(4) "first preference" means the figure 1 set opposite the name of any candidate; "second preference" similarly means the figure 2, "third preference" the figure 3, and so on;

(5) "original votes" in regard to any candidate means the votes derived from ballot papers on which a first preference is recorded for such candidate;

(6) "Standing Orders" means the Legislative Assembly Standing Orders;

(7) "surplus" means the number by which the value of the votes of any candidate, original and transferred, exceeds the quota as defined in Regulation XI,

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* The fact that a voter has not marked every preference correctly does not invalidate the whole of his preferences. His paper is only treated as exhausted when the wrongly marked preference is reached. The following are examples :—

(1)		(2)	
A	1	A	1
B	2	B	2
C	3	C	3
D	3	D	5
E	4	E	6
		F	—

In case (1) the preferences for A and B would be valid. If the third preference were reached the paper would be treated as exhausted, as it would be impossible to say for which candidate the voter really intended to give his third preference. In case (2) the preferences for A, B and C would be valid, [illegible] ted or excluded or was still a [illegible] voter meant to give a fourth [illegible] t omitted to do so. It would

(8) "transferred votes" in regard to any candidate means votes the value or part of the value of which is credited to such candidate and which are derived from ballot papers on which a second or subsequent preference is recorded for such candidate;

(9) "unexhausted papers" means ballot papers on which a further preference is recorded for a continuing candidate.

Proposal of Candidates.

II (1) When a motion for the reference to a Select Committee of draft amendments to the Standing Orders has been carried, the President will appoint a period within which notice may be given by any member desirous of proposing a member or members for election to the Committee.

(2) The provisions of Standing Order 11 shall apply to such notices, which shall be signed by the member giving notice who must satisfy himself that the members he suggests are willing to serve if elected.

(3) If, on the expiration of the period appointed under clause (1), the number of candidates is less than the number of vacancies to be filled, the President will appoint a further period within which the notice aforesaid may be given, and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled

(4) If, on the expiration of the period appointed under clause (1) or of any further period appointed under clause (3), the number of candidates is equal to the number of vacancies to be filled, the President shall declare all the candidates to be duly elected.

(5) If, on the expiration of any such period, the number of candidates exceeds the number of vacancies, the President will appoint a date for the holding of an election in the manner hereinafter prescribed, and shall cause notice to be given of the date so appointed and of the names of the candidates.

Voting.

III (1) All members shall be entitled to vote

(2) No vote shall be given by proxy

IV. The Secretary shall act as Returning Officer, and shall, subject to these regulations, do all things necessary for the conduct of the election

V (1) The voting shall be by ballot The Returning Officer shall ascertain that the person desiring to vote is a member who has not already voted, and shall enter his name upon the counterfoil of a ballot paper in a ballot paper book which shall be provided for the purpose of the election, and shall then tear out the ballot paper corresponding to that counterfoil, and, having initialled the ballot paper with his initials on the back thereof, shall hand it to the member. Every ballot paper shall contain the names of all the candidates for election in the Form annexed to these regulations.

(2) When a member has received a ballot paper, he shall take the paper to a desk provided for the purpose and signify in the manner hereinafter provided for whom he desires to vote. The member shall

then fold the ballot paper so that the Returning Officer's initials thereon may be visible, and having held up the ballot paper in such manner as to enable the Returning Officer to see the initials, shall drop the ballot paper in a ballot box to be placed in front of the Returning Officer.

(3) If a member inadvertently spoils a ballot paper he may return it to the Returning Officer who shall, if satisfied of such inadvertence, give him another paper and retain the spoiled paper, and this spoiled paper shall be immediately cancelled and the fact of such cancellation shall be noted upon the counterfoil.

VI Each member shall have one vote only. A member in giving his vote—

(a) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes,

(b) may in addition place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4, and so on, in the squares opposite the names of other candidates in the order of his preference

VII A ballot paper shall be invalid—

(a) upon which a member signs his name or writes any word, or makes any mark by which it becomes recognizable, or

(b) which does not bear the Returning Officer's initials, or

(c) on which the figure 1 is not marked, or

(d) on which the figure 1 is set opposite the name of more than one candidate, or

(e) on which the figure 1 and some other figure is set opposite the name of the same candidate, or

(f) which is unmarked or void for uncertainty

The Counting of Votes

VIII. The ballot papers shall be examined and the Returning Officer, after rejecting any invalid ballot papers, shall divide the remaining papers into parcels according to the first preferences recorded for each candidate He shall then count the number of papers in each parcel

IX In carrying out the regulations hereinafter contained, the Returning Officer shall—

(a) disregard all fractions,

(b) ignore all preferences recorded for candidates already elected or excluded from the poll

X For the purpose of facilitating the processes prescribed by the regulations hereinafter contained, each valid ballot paper shall be deemed to be of the value of one hundred

XI. The Returning Officer shall add together the values of the papers in all the parcels and divide the total by a number exceeding by one the number of vacancies to be filled, and the result increased by one shall be the number sufficient to secure the return of a candidate (hereinafter called the quota).

XII. If at any time a number of candidates equal to the number of persons to be elected has obtained the quota, such candidates shall be treated as elected, and no further steps shall be taken.

XIII. (1) Any candidate the value of whose parcel, on the first preferences being counted, is equal to or greater than the quota, shall be declared elected

(2) If the value of the papers in any such parcel is equal to the quota, the papers shall be set aside as finally dealt with

(3) If the value of the papers in any such parcel is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot papers as next in the order of the voter's preference in the manner prescribed in the following regulation.

XIV. (1) If and whenever as the result of any operation prescribed by these regulations a candidate has a surplus, that surplus shall be transferred in accordance with the provisions of the regulation.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude: provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count, and so on.

(3) Where two or more surpluses are equal, the Returning Officer shall decide, as hereinafter provided in Regulation XIX which shall first be dealt with.

(4) (*a*) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred, and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon He shall also make a separate sub-parcel of the exhausted papers

(*b*) He shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers

(*c*) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred

(*d*) If the value of the unexhausted papers is greater than the surplus he shall transfer the sub-parcels of unexhausted papers, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Returning Officer shall re-examine all the papers in the sub-parcel last transferred to the candidate, and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall thereupon deal with the sub-parcels in the same manner as is provided in the case of the sub-parcels referred to in clause (4)

(6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this regulation shall be set aside as finally dealt with.

XV (1) If after all surpluses have been transferred, as hereinbefore directed, less than the number of candidates required has been elected, the Returning Officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon Any exhausted papers shall be set aside as finally dealt with

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value of which he obtained them

(4) Each of such transfers shall be deemed to be a separate transfer

(5) The process directed by this regulation, shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until the last vacancy is filled either by the election of a candidate with the quota or as hereinafter provided

XVI If as the result of a transfer of papers under these regulations the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed, but no further papers shall be transferred to him

XVII (1) If after the completion of any transfer under these regulations the value of the votes of any candidate shall be equal to or greater than the quota, he shall be declared elected

(2) If the value of the votes of any such candidate shall be equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally dealt with

(3) If the value of the votes of any such candidate shall be greater than the quota, his surplus shall thereupon be distributed in the manner hereinbefore provided, before the exclusion of any other candidate

XVIII (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected

(2) When only one vacancy remains unfilled and the value of the votes of some one continuing candidate exceeds the total value of all the votes of the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected

(3) When only one vacancy remains unfilled and there are only two continuing candidates and those two candidates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared excluded under the next succeeding regulation, and the other declared elected

FORM OF BALLOT PAPER

(SEE REGULATION V.)

Form of Front of Ballot Paper.

Counterfoil No	Order of preference.	Names of candidates.
Note—The counterfoil must show the number corresponding to this on the back of the ballot paper		Mohammad Yasin. Vicar Hussain. Peare Lal. H. Robinson. Muhammad Hussain. Ghulam Nabi Partab Chand Ishor Das. Balwant Singh. A. B. Smith. Abdur Rahim.

Instructions to Members.

A—Each member has one vote and one vote only.

B—The member votes—

(*a*) by placing the figure "1" opposite the name of his first choice

He is also invited to place—

(*b*) the figure "2" opposite the name of his second choice.

(*c*) the figure "3" opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preferences is not necessarily restricted to the number of vacancies

N.B.—The vote will be spoilt if the figure "1" is placed opposite the name of more than one candidate.

Form of back of Ballot Paper.

No ....

Note.—The number on the back of the ballot paper is to correspond with that of the counterfoil.

APPENDIX

Illustrative Election

Example of an election conducted on the system of the single transferable vote in accordance with the preceding regulations

Assuming that there are seven members to be elected, sixteen candidates, and one hundred and forty electors

Regulation VIII.

The valid ballot papers are arranged in separate parcels according to the first preference recorded for each candidate, and the papers in each parcel counted

Let it be assumed that the result is as follows:—

A	12
B	8
C	6
D	9
E	10
F	7
G	4
H	19
I	13
J	5
K	14
L	8
M	10
N	6
O	4
P	5
Total	140

Each valid ballot paper is deemed to be of the value of one hundred and the values of the votes obtained by the respective candidates are as shewn in the first column of the result sheet.

Regulation X.

The values of all the papers are added together and the total 14,000 is divided by eight (i.e., the number which exceeds by one the number of vacancies to be filled) and 1,751 (i.e., the quotient 1,750, increased by one) is the number sufficient to secure the return of a member and is called the quota The operation may be shewn thus:—

Regulation XI.

$$\text{Quota} = \frac{14,000}{8} + 1 = 1,750 + 1 = 1,751.$$

The candidate H, the value of whose votes exceeds the quota, is declared elected.

Regul XI

Regulation XIII(3), transfer of surplus.

As the value of the papers in H's parcel exceeds the quota, his surplus must be transferred. His surplus is 149 (*i.e.*, 1,900 less 1,751).

Regulation XIV (4) (*a*).

The surplus arises from original votes, and therefore the whole of H's papers are divided into sub-parcels according to the next preferences recorded thereon, a separate parcel of the exhausted papers being also made. Let it be assumed that the result is as follows:—

	Papers.
B is marked as next available preference on . .	7
D is marked as next available preference on .	4
E is marked as next available preference on . . .	4
F is marked as next available preference on . . .	3
Total of unexhausted papers .	18
No. of exhausted papers .	1
Total of papers .	19

Regulation XIV (4) (*b*).

The values of the papers in the sub-parcels are as follows :—

B	700
D	400
E . . .	400
F	300
Total value for unexhausted papers .	1,800
Value of exhausted papers .	100
Total value .	1,900

Regulation XIV (4) (*d*).

The value of the unexhausted papers is 1,800 and is greater than the surplus. This surplus is, therefore, transferred as follows:—All the papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of unexhausted papers.

The reduced value of all the papers, when added together, with the addition of any value lost as the result of the neglect of fractions, equals the surplus. In this case the new value of each paper transferred is $\frac{149 \text{ (the surplus)}}{18 \text{ (the number of unexhausted papers)}} = 8$, the residue of the value, 02, being required by H for the purpose of constituting his quota, *i.e.*, one exhausted paper (value 100) *plus* the value (1,656) of 18 unexhausted papers.

The values of the sub-parcels transferred are:—

B—56 (*i.e.*, seven papers at the value of 8).

D—32 (*i.e.*, four papers at the value of 8).

E—32 (*i.e.*, four papers at the value of 8).

F—24 (*i.e.*, three papers at the value of 8)

These operations can be shown on a transfer sheet as follows —

Transfer Sheet

Value of surplus (H's) to be transferred	149
Number of papers in H's parcel	10
Value of each paper in parcel	100
Number of unexhausted papers	18
Value of unexhausted papers	1,800

New value of each paper transferred = $\frac{\text{surplus}}{\text{number of exhausted papers}}$

$= \frac{149}{18} = 8$

Names of candidates marked as the next available preference	Number of papers to be transferred.	Value of sub-parcel to be transferred.
B	7	56
D	4	32
E	4	32
F	..	24
Total	18	144
Number of exhausted papers	1	..
Loss of value owing to neglect of fractions.	..	5
Total	19	149

The values of the sub-parcels are added to the values of the votes *already credited to the candidates B, D, E and F. This operation is* shewn on the result sheet.

There being no further surplus, the candidate lowest on the poll has now to be excluded G and O both have 400. Regulation XV (1)

The Returning Officer casts lots and G is chosen to be excluded. Regulation XIX.

Being original votes, G's papers are transferred at the value of 100 each A who was marked as next preference on two papers receives 200, while D and E were each next preference on one paper and receive 100 each O now being lowest is next excluded and his 400 is similarly transferred to I, B and K, I receiving 200 and B and K 100 each. Regulation XV (2).

Regulation XIX.

This leaves J and P lowest with 500 each and J is chosen by lot for exclusion first. His papers are transferred at the value of 100 each to A, B, D and I, the three first named receiving 100 each, and I who had the next preference on two papers receiving 200. P is then excluded and his papers are transferred to E, L and K, the two first named receiving 100 each, and K, who had the next preference on three papers, receiving 300.

Regulation XVII (1).

K now exceeds the quota and is declared elected.

Regulation XVII (3).

Prior to further exclusions, K's surplus of 49 has to be distributed

Regulation XIV (5)

Regulation XIV (4) (d) and (5).

The sub-parcel last transferred to K consisted of 3 votes transferred at the value of 100 each. The sub-parcel is examined, there are no exhausted papers and B, F and I are each next preference on one paper, and one paper is transferred to each of them at a reduced value determined by dividing the surplus (49) by the number of unexhausted papers (3). B, F and I accordingly receive 16 each.

The process of exclusion is now proceeded with

Regulation XIX.

Regulation XV (1) and (2)

C and N have 600 each, and C is chosen by lot for exclusion first. He has 6 original votes, B, D and E are each next preference on two papers, and each receive 200. N is then excluded, A is next preference on 3 of his papers, and receives 300, F, I and L are each next preference on one paper and receive 100 each.

Regulation XVII (1).

Regulation XIV (2).

This brings A and I above the quota and they are declared elected. Their surpluses have now to be distributed and I's surplus which is the larger, 65, is dealt with first.

Regulation XIV (5).

The last sub-parcel transferred to I consisted of one paper transferred at the value of 100, D is next preference on this paper, and receives the whole surplus of 65.

Regulation XIV (4) (d) and (5).

A's surplus of 49 is then dealt with. The last sub-parcel transferred to him consisted of 3 papers transferred at the value of 100 each. B was next preference on two of these papers and E on one, and the papers are transferred accordingly. The value to be transferred is 16 per paper, *i e*, the surplus (49), divided by the number of the unexhausted papers (3). B accordingly receives 32 and E 16.

Regulation XV (1).

No other candidate having reached the quota, the process of exclusion is proceeded with, and F, who is now lowest with 840, is excluded.

Regulation XV (2).

His seven original votes are transferred first. B, D and E are next preference on three, two and two papers, respectively, and receive respectively 300, 200 and 200.

Regulation XV (3).

The transferred votes are next transferred in the order of their transfers to F. The 3 votes received at the value of eight each at the distribution of H's surplus are transferred at the same value to L who was next preference on all 3 papers. The two votes, received at the value of eight each, at the distribution of K's surplus, go at the same value to M, who was next preference on each paper. The vote transferred at the value of 100 on the exclusion of N is then transferred at the same value to D, who thus receives a total of 300.

No continuing candidate having yet reached the surplus, M, who is now lowest with 1,016, is excluded.

Regulation XV (1).

His ten original votes are transferred first B and D are first preference on three papers each, and E and L on two each B and D accordingly receive 300 each, and E and L 200 each This brings B, D and E above the quota, and they are declared elected The requisite number of candidates having now been elected, the election is at an end, and it is unnecessary to proceed to the transfer of M's transferred votes

Regulation XV (2). Regulation XV (4) and (5) and Regulation XVI.

Full details are shown in the result sheet.

Result Sheet.

Value of votes 14,000.

Quota $\frac{14{,}000}{8} + 1 = 1{,}751$.

Names of candidates	Value of votes at first count	Distribution of H's surplus.	Result	Distribution of votes of G and O	Result	Distribution of votes of J and E.	Result.	Distribution of K's surplus.	Result.	Distribution of votes of C and N	Result	Distribution of surplus of I and A	Result	Distribution of F's votes.	Result.	Distribution of M's votes.	Result.	Result of election.
A	1,200	.	1,200	+200	1,400	+100	1,500	..	1,500	+300	1,800	—49	1,751	.	1,751	..	1,751	Elected.
B	600	+56	656	+100	956	+100	1,056	+16	1,072	+300	1,272	+32	1,304	+300	1,604	+300	1,904	Do
C	600		600	.	600		600		600	—600							.	Not elected.
D	900	+32	632	+100	1,032	+100	1,132	.	1,132	+200	1,332	+65	1,397	+300	1,697	+300	1,997	Elected
E	1,000	+32	1,032	+100	1,132	+100	1,232	.	1,232	+200	1,432	+16	1,448	+200	1,648	+200	1,848	Do.
F	700	+24	724	.	724	..	724	+16	740	+100	840		840	—840			...	Not elected.
G	400	.	400	—400	..	..			..		...				.	...	..	Do.
H	1,900	—149	1,751	...	1,751	.	1,751	.	1,751	..	1,751		1,751	.	1,751	..	1,751	Elected.
I	1,300		1,300	+200	1,500	+300	1,700	+16	1,716	+100	1,816	—65	1,751	..	1,751	..	1,751	Do.
J	500	.	500	...	500	—500		..		...			.		.	.	..	Not elected.
K	1,400	..	1,400	+100	1,500	+300	1,800	—49	1,751	.	1,751		1,751		1,751	..	1,751	Elected
L	600	.	600	...	800	+100	900		900	+100	1,000	..	1,000	+24	1,024	+200	1,224	Not elected
M	1,000	.	1,000	...	1,000		1,000		1,000	...	1,000		1,000	+16	1,010	—1,000	16	Do.
N	600	.	600	...	600	.	600		600	—600	.	.	.	...	..	.	.	Do.
O	400	...	400	—400	.	.	.	..			..			.	.	...	..	Do.
P	500	.	500	.	500	—500	.	...	.	..		.	..	..	..	..	...	Do.
Loss of value by neglect of fractions.		+5	5	.	5	.	5	+1	6		6	+1	7		7	..	7	
TOTAL	14,000	.	14,000	..	14,000	..	14,000	...	14,000	.	14,000	...	14,000	.	14,000	...	14,000	

Regulations for the removal of Sex Disqualification in respect of registration on the electoral rolls of constituencies of the Legislative Assembly and in respect of nomination and election as members of the Legislative Assembly.

LEGISLATIVE DEPARTMENT.

NOTIFICATION

Delhi, the 23rd March 1922.

No. 43-A C.—Whereas a resolution was passed by the Legislative Assembly on the 1st February, 1922, after not less than one month's notice of intention to move the same, recommending that the sex disqualification for registration on the electoral rolls of constituencies of the Legislative Assembly should be removed in respect of women generally,

Now, therefore, the Governor-General in Council in pursuance of the direction contained in the second proviso to sub-rule (*1*) of rule 7 of the Legislative Assembly Electoral Rules, is pleased to make the following regulation, namely:—

REGULATION.

No woman who is not by reason of her sex disqualified for registration as an elector for the Legislative Council of a Governor's Province shall by reason only of her sex be disqualified for registration on the electoral roll of any constituency of the Legislative Assembly in that Province.

NOTIFICATION.

Simla, the 3rd September, 1926.

No. F -26-X/26-A.—Whereas a resolution was passed by the Legislative Assembly on the 1st September 1926, after not less than one month's notice of intention to move the same, recommending that the sex disqualification for election and nomination as Members of the Legislative Assembly should be removed in respect of women generally;

Now, therefore, the Governor General in Council, in pursuance of the directions contained in the second proviso to sub-rule (1) of

rule 5 and the second proviso to sub-rule (1) of rule 22 of the Legislative Assembly Electoral Rules, is pleased to make the following regulations, namely.—

REGULATIONS.

1. No woman who is not by reason of her sex disqualified for election as a member of the Legislative Council of a Governor's Province shall by reason only of her sex be disqualified for election to the Legislative Assembly by any constituency in that Province.

2. No woman shall be disqualified by reason only of her sex for election to the Legislative Assembly by the Delhi constituency or the Ajmer-Merwara constituency.

3 No woman shall be disqualified by reason only of her sex for nomination to the Legislative Assembly.

GIPD—L99LD—8-9-34—350.